

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Allendale County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMEL DAJOUR WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2020-000101

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5 No.: 2018GS0300043

6 State of South Carolina,

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Plaintiff(s),

8

VS.

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Transcript of Record

10 Jamel Dajour Williams,

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Defendant (s) .

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January 6, 2020 thru January 9, 2020

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Allendale, South Carolina

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BEFORE :

The Honorable Carmen Mullen

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1 PROCEEDINGS

2 THE COURT: Solicitor, if you'd like to go ahead
3 and call your case.

4 MR. EVANS: Thank you, Your Honor. State's ready
5 in Indictments 2018-GS-03-00043 for possession of a
6 weapon during the commission of a violent crime,
7 2018-GS-03-00044 for attempted murder, and
8 2018-GS-03-00045 for murder. State versus Jamel Dajour
9 Williams.

10 May I approach with the Clerk's files?

11 THE COURT: Yes, sir. Thank you. Thank you.

12 All right. Ladies and gentlemen, the Solicitor
13 has just called the case entitled the State of South
14 Carolina versus Jamel Dajour, Dajour Williams who's
15 charged by the Bill of Indictment here in Allendale
16 County with the offenses of possession of a weapon
17 during the commission of a violent crime, attempted
18 murder, and murder.

19 Ladies and gentlemen, I'm gonna ask that the
20 attorneys introduce themselves and who's at counsel
21 table with them.

22 If you would start, Mr. Evans.

23 MR. EVANS: Thank you, Your Honor.

24 Good morning or afternoon. My name is Reed Evans.
25 I'm an assistant solicitor here in Allendale County.

JURY SELECTION

1 Sitting to my left is Melissa Duque, another assistant
2 solicitor, Bruce Davis, who is our investigator, Katie
3 McCallister, the case officer in this case from South
4 Carolina Law Enforcement Division. And this is Wanda
5 Morgan who's our victim advocate.

6 THE COURT: Thank you.

7 Mr. Plexico, would you please stand and introduce
8 yourself, and introduce your client please?

9 MR. PLEXICO: Yes, I'm Stephen Plexico. I'm the
10 the -- one of the Public Defender's in the 14th
11 Circuit. I've been here about 30 years. This is my
12 client, Jamel Williams.

13 THE COURT: Thank you.

14 Ladies and gentlemen, I remind you of the oath you
15 took earlier. If you need to respond to any of my
16 questions, I need you to stand and respond, if you
17 would.

18 To begin with, ladies and gentlemen, is there
19 anyone here who is related by blood or connected by
20 marriage to the Defendant in this case, Mr. Williams,
21 Mr. Jamel Williams, if so, please stand.

22 (Jurors respond)

23 THE COURT: Give me one minute. Okay.

24 All right. Ma'am, I simply need your name and
25 number if you know it.

JURY SELECTION

1 THE JUROR: Melanie Carter. I don't know the
2 number.

3 THE COURT: Okay. Sit tight. I just need to find
4 you on this list. Melanie Carter, is that correct?
5 Ms. Carter, how are you related to him?

6 THE JUROR: That's my third cousin.

7 THE COURT: All right. Ma'am, I'm gonna go ahead
8 and excuse you from the trial of this case. Thank you.

9 THE JUROR: Number 3. Juror Number 3.

10 THE COURT: Juror Number 33?

11 THE JUROR: Uh-huh, three.

12 THE COURT: Oh, I'm sorry. Number 33. I
13 apologize, ma'am.

14 THE JUROR: Yes.

15 THE COURT: How are you related to the Defendant?

16 THE JUROR: We're cousins.

17 THE COURT: He's your what?

18 THE JUROR: Cousins.

19 THE COURT: Do you know what number?

20 THE JUROR: Second or third.

21 THE COURT: Okay. Thank you, ma'am. You are
22 excused from the trial of this case. Just pass it
23 along.

24 Ma'am, your name and number?

25 THE JUROR: My name is Shacobie Bradley. I'm not

JURY SELECTION

1 sure of my juror number.

2 THE COURT: Give me one minute. Okay.

3 Okay. Am I correct, Juror 31?

4 THE JUROR: I think, yes, ma'am.

5 THE COURT: Okay. Ma'am, how are you related to
6 this Defendant?

7 THE JUROR: That's my third cousin.

8 THE COURT: Okay. You're excused, ma'am.

9 THE JUROR: Juror Number 58.

10 THE COURT: Give me one second, sir. How are you
11 related to the Defendant?

12 THE JUROR: Your Honor, I dated his mom for
13 numerous of years since he been a little child, and I
14 just wanted to let you know that.

15 THE COURT: Okay. Sir, I'll go ahead and excuse
16 you as well. I appreciate it.

17 THE JUROR: Okay.

18 THE COURT: Yes, sir.

19 THE JUROR: Number---

20 THE COURT: Your name and juror number?

21 THE JUROR: Khary Johnson. I don't, I don't, I
22 don't know the juror number.

23 THE COURT: Give me your name.

24 THE JUROR: Khary Johnson.

25 THE COURT: Give me one second. And how do you

JURY SELECTION

1 know the Defendant?

2 THE JUROR: Well, we all related. I don't know, I
3 don't know what number, but---

4 THE COURT: You're related to him?

5 THE JUROR: Yes, ma'am.

6 THE COURT: All right. I'm gonna excuse you, sir.
7 Sir, juror -- name and juror number if you know?

8 THE JUROR: Franklin Williams, 332.

9 THE COURT: Mr. Williams, how are you related to
10 the Defendant?

11 THE JUROR: That's my wife's cousin.

12 THE COURT: All right, sir. I'm gonna go ahead
13 and excuse you. Thank you for being here.

14 Sir, your name and number?

15 THE JUROR: Dimaggio Williams, 331. He my second
16 cousin.

17 THE COURT: Give me a second. How are you related
18 to him?

19 THE JUROR: Second cousin.

20 THE COURT: You're excused, sir. Thank you.

21 Yes, ma'am, finally.

22 THE JUROR: Sherry Dunbar.

23 THE COURT: Hang on, Ms. Dunbar. How are you
24 related to the Defendant?

25 THE JUROR: He's my cousin.

JURY SELECTION

1 THE COURT: I'm gonna excuse you as well. Thank
2 you.

3 Sir?

4 THE JUROR: My name General Priester. That be my
5 second cousin.

6 THE COURT: What's your last name?

7 THE JUROR: Priester. General Priester.

8 THE COURT: Hold on a second, sir. Sir, how are
9 you related to him?

10 THE JUROR: My second cousin.

11 THE COURT: You're excused, sir.

12 MR. PLEXICO: What number?

13 MR. EVANS: 248.

14 THE COURT: I think it's 248.

15 THE JUROR: My name Kendrell Williams, and he's
16 related to me through my mom's side. I don't know what
17 cousin.

18 THE COURT: Okay. Give me a second and let me
19 find -- all right. You are excused, sir. Thank you.

20 THE JUROR: My number---

21 THE COURT: Yes. Hang on a second. Let me take
22 the last lady over here and then---

23 THE JUROR: 181. My third cousin. Also raised in
24 the home.

25 THE COURT: What number are you?

JURY SELECTION

1 THE JUROR: 181.

2 THE COURT: Okay. All right. Ma'am, I'm gonna
3 excuse you as well. Thank you.

4 And finally?

5 THE JUROR: My name is Christy Tinsley, and I'm
6 Juror Number 313, and that's my third cousin.

7 THE COURT: Hold on one second. 313, is that
8 correct?

9 THE JUROR: Yes, ma'am.

10 THE COURT: I'll excuse you. Thank you, ma'am.

11 THE JUROR: Thank you.

12 THE COURT: Yes, ma'am.

13 THE JUROR: I'm Number 127.

14 THE COURT: Yes.

15 THE JUROR: And my daughter married his nephew.

16 THE COURT: Your daughter married his nephew.

17 All right, ma'am. I'll go ahead and excuse you.

18 Anybody else?

19 (Juror responds.)

20 THE COURT: Okay. Yes, ma'am.

21 THE JUROR: I'm not sure of the marriage, but my
22 cousin, my second cousin, has a son and date his
23 brother. I'm not sure if they're married or not.

24 THE COURT: Your -- say again. Your --?

25 THE JUROR: My younger cousin --

JURY SELECTION

1 THE COURT: Okay.

2 THE JUROR: -- she dates his brother, and has a
3 son from him.

4 THE COURT: And has a son from him.

5 THE JUROR: Yeah.

6 THE COURT: All right. Give me---

7 THE JUROR: I just wanted to let you know.

8 THE COURT: Give me, give me your number again.

9 THE JUROR: It's 198.

10 THE COURT: 198. All right. So, the next
11 question I was gonna ask is there anyone here who has a
12 special relationship, a friendship, and this would be
13 the exact type of thing, or family members that have a
14 special relationship with the Defendant in this case,
15 if so, please stand. And give me your number again,
16 ma'am.

17 THE JUROR: Farrah Maner, 198.

18 THE COURT: 198. Give me a second.

19 All right, ma'am. I'm gonna ask you to stay with
20 us. Let me talk to the lawyers in just a minute.

21 THE JUROR: Okay.

22 THE COURT: Sit tight. I guess my question is,
23 ma'am, to you would be: Can you be fair and impartial
24 in this case knowing that, to both the State and the
25 Defendant, knowing that it sounds like you have a

JURY SELECTION

1 family member that maybe has some connection to him?

2 THE JUROR: I prefer not to because---

3 THE COURT: All right. Then, ma'am, I'm gonna go
4 ahead and excuse.

5 Okay?

6 THE JUROR: Okay.

7 THE COURT: Thank you.

8 Okay. Yes, ma'am. How do you know the Defendant?

9 THE JUROR: Me and his brother is best friends.

10 THE COURT: You and who?

11 THE JUROR: His brother --

12 THE COURT: And this---

13 THE JUROR: -- is best friend.

14 THE COURT: Are best friends. All right. Can you
15 be fair and impartial in the trial of this case?

16 THE JUROR: I prefer not to.

17 THE COURT: Give me your name and number then?

18 THE JUROR: Verlinda Badger, Number 20.

19 THE COURT: All right, ma'am. I'm gonna excuse
20 you as well.

21 Yes, ma'am.

22 THE JUROR: Shemeka Harden, Number 140. My
23 brother is his first cousin.

24 THE COURT REPORTER: Okay. I'm sorry. I can't
25 hear you, ma'am. If everyone could wait until you're

JURY SELECTION

1 into the mic and speak into it it would be great.

2 THE JUROR: Shemeka Harden, 140, and my brother is
3 his first cousin.

4 THE COURT: Ma'am, I'm gonna go ahead and excuse
5 you. Thank you.

6 All right. Ladies and gentlemen, has anyone here
7 on this jury panel ever been prosecuted by or
8 represented by the attorneys in this case?

9 I think probably -- the possibilities would be,
10 obviously, Mr. Evans, Mr. Plexico. I don't think
11 you've been around long enough. Anyone? I don't think
12 you've been around long enough. All right. I don't
13 think so. Anyone?

14 (No response.)

15 THE COURT: Okay. Ladies and gentlemen, is anyone
16 ever been employed by any of the attorneys in this case
17 or in -- either one of their offices, either the 14th
18 Circuit Solicitor's Office, Public Defender's Office,
19 anything along those lines?

20 (No response.)

21 THE COURT: Ladies and gentlemen, the following is
22 a list of potential witnesses in this case. They are
23 potential witnesses. I need to know whether or not you
24 are related by blood, connected by marriage, or have a
25 special relationship with them such that you could not

JURY SELECTION

1 be fair and impartial if they were giving testimony?
2 Again, these are just potential witnesses. These
3 people won't necessarily all be called, but they are
4 potential witnesses in this case.

5 The following is Ryan DeWane with South Carolina
6 Law Enforcement Division commonly known as SLED. Ervin
7 Ford of the Allendale Police Department. Raheme
8 Granger of New York. Ronisha Hightower of Allendale.
9 John Lawson of Allendale EMS. Joe Loadholt of
10 Allendale.

11 And, if we would, if any of these people are here,
12 Katie McCallister with SLED.

13 (Witness stands.)

14 THE COURT: Thank you, Agent McCallister.

15 Tracy McKinnon of SLED. Glenn Miller of Ulmer,
16 South Carolina. Laquia Patterson of Allendale, South
17 Carolina. Latoya Patterson of Allendale, South
18 Carolina. Ronisha Patterson of Allendale. Devontre
19 Priester of Allendale. Dr. Janice Ross with Newberry
20 Pathology Associates. Chad Smith with South Carolina
21 Law Enforcement Division. Nicklaus Sprouse with South
22 Carolina Law Enforcement Division. David Owens with
23 South Carolina Law Enforcement Division. Tim Myers of
24 Allendale, South Carolina. Blake Johnson with SLED,
25 and Brandon Inman.

JURY SELECTION

1 Again, is anyone related by blood, connected by
2 marriage, have a close personal relationship or special
3 friendship with any of those people, if so, please
4 stand.

5 (Jurors respond.)

6 THE COURT: Yes, ma'am, give me your juror number
7 if you have it?

8 THE JUROR: I don't know it.

9 THE COURT: What's your name?

10 THE JUROR: Tia Mincey.

11 THE COURT: Give me a second while I find it.
12 Okay. All right. 213. Who do you know, ma'am?

13 THE JUROR: Devontre Priester.

14 THE COURT: How do you know him?

15 THE JUROR: That's my cousin.

16 THE COURT: All right. Do I need to go ahead --
17 that person is for sure gonna be called, is that
18 correct?

19 MR. EVANS: I believe so, yes, ma'am.

20 THE COURT: All right. Ma'am, I'm gonna go ahead
21 and excuse you from the trial of this case. I
22 appreciate it. I'm sorry. I lost it. What number was
23 she?

24 THE CLERK: 213.

25 THE COURT: Anyone else?

JURY SELECTION

1 (No response.)

2 THE COURT: Okay. Ladies and gentlemen, one of
3 the alleged victims in this case is a Tyrek Mitchell.
4 Is there anyone here, ladies and gentlemen, that is
5 related by blood, connected by marriage, have a close
6 personal relationship or special friendship with
7 Mr. Mitchell, if so, please stand.

8 (No response.)

9 THE COURT: Very good. Ladies and gentlemen, is
10 there any member of the jury panel who's related by
11 blood or marriage to a person who works for law
12 enforcement, if so, please stand.

13 (Jurors respond.)

14 THE COURT: Ma'am, give me first your name and
15 juror number.

16 THE JUROR: Okay. Juror Number is 275. My name
17 is Jenny Robinson.

18 THE COURT: Yes, ma'am.

19 THE JUROR: And my husband is Lieutenant Kenny
20 Robinson of the Sheriff's Department.

21 THE COURT: Of the Sheriff's Department.

22 Mr. Evans, I don't, I don't know that---

23 MR. EVANS: I'm sorry? He is from --

24 THE COURT: He what?

25 MR. EVANS: He is from the Sheriff's Office, yes.

JURY SELECTION

1 THE COURT: Okay. I'm gonna go ahead and excuse
2 you, ma'am. Thank you for being here with us.

3 Yes, ma'am, your name and juror number?

4 THE JUROR: I don't know my number, but my name is
5 Shirley Gilbert.

6 THE COURT: Okay, ma'am.

7 THE JUROR: Marvin Mitchell, Williams---

8 THE COURT: Uh-huh.

9 THE JUROR: ---and Gary Hall.

10 THE COURT: Okay. Can I see the attorneys please?
11 (Bench Conference.)

12 THE COURT: All right. Ma'am, I'm gonna go ahead
13 and excuse you as well. Thank you for being here,
14 ma'am.

15 UNIDENTIFIED SPEAKER: What number was she?

16 THE COURT: Is there any member of the jury panel
17 whose family member is employed by any State or Federal
18 prosecution office, if so, please stand.

19 (No response.)

20 THE COURT: Is any member of the jury panel or any
21 member of your immediate family ever been employed by
22 any civilian or military law enforcement agency, if so,
23 please stand.

24 (Juror responds.)

25 THE COURT: Sir, your number again?

JURY SELECTION

1 THE JUROR: 159.

2 THE COURT: Yes, sir.

3 THE JUROR: Air Force Security Police for five
4 years.

5 THE COURT: You were military police?

6 THE JUROR: Yes.

7 THE COURT: All right. Sir, I appreciate it. You
8 may be seated.

9 Anyone else?

10 (No response.)

11 THE COURT: Ladies and gentlemen, is any member of
12 the jury panel or any member of your immediate family
13 ever been prosecuted for charges related to guns,
14 attempted murder, or murder, if so, please stand.

15 (No response.)

16 THE COURT: Ladies and gentlemen, is there any
17 member of the jury panel or any member of your
18 immediate -- I'm sorry. Someone's standing. I
19 apologize, ma'am. Yes.

20 THE JUROR: 287. I had a brother for murder.

21 THE COURT: You had a brother who what?

22 THE JUROR: Convicted of murder.

23 THE COURT: He was convicted of murder?

24 THE JUROR: Yes, ma'am.

25 THE COURT: All right. Do you know where it was?

JURY SELECTION

1 THE JUROR: I think it was down here, if I'm not
2 mistaken, or Saluda (phonetic) somewhere. I wasn't
3 here when it happened.

4 THE COURT: Ma'am, my question to you is can you
5 be fair and impartial in the trial of this case
6 understanding that your brother's case, and this case
7 have nothing to do with each other?

8 THE JUROR: No, I can't, and then I, I had
9 surgery. So I still cannot -- no, to support.

10 THE COURT: Okay. So, can you be fair and
11 impartial?

12 THE JUROR: No.

13 THE COURT: I'll go ahead and excuse you. Give me
14 your number again?

15 THE JUROR: 287.

16 THE COURT: Thank you, ma'am.

17 Ladies and gentlemen, has any member of the jury
18 panel or a member of your immediate family ever been
19 the victim of a murder, an attempted murder -- let's
20 just do just a murder or attempted murder, if so,
21 please stand.

22 (Jurors respond.)

23 THE COURT: Sir, give me your number.

24 THE JUROR: I think it's 298. It's Michael
25 Robinson.

JURY SELECTION

1 THE COURT: Give me a second.

2 THE CLERK: What's your, what's your last name?

3 THE JUROR: Robinson.

4 THE COURT: Michael Robinson, 278 maybe.

5 THE JUROR: Maybe. Might be.

6 THE COURT: That -- that's it, 278. Yes, sir.

7 THE JUROR: My best friend's mother was murdered
8 two years ago on Mother's Day.

9 THE COURT: Okay. Where was that at?

10 THE JUROR: Florida.

11 THE COURT: Okay. Sir, my question to you is, is
12 can you be fair and impartial in the trial of this case
13 understanding that they have nothing to do with each
14 other?

15 THE JUROR: I have no idea.

16 THE COURT: All right, sir. We will go ahead and
17 excuse you. Number 278's excused.

18 Yes, ma'am.

19 THE JUROR: I'm Juror Number 11.

20 THE COURT: Yes.

21 THE JUROR: My brother, in '96, died.

22 THE COURT: Okay. Ma'am, can you be fair and
23 impartial in the trial of this case?

24 THE JUROR: I don't think so.

25 THE COURT: All right, ma'am. I'll excuse you as

JURY SELECTION

1 well. That's Number 11.

2 Yes, sir.

3 THE JUROR: Juror Number 18.

4 THE COURT: Yes, sir.

5 THE JUROR: I had a cousin get murdered a couple
6 of years ago in Denmark, South Carolina.

7 THE COURT: What's your last name?

8 THE JUROR: Badger.

9 THE COURT: What is your number, sir?

10 THE JUROR: Number 18.

11 THE COURT: Oh, Number 18. Sir, can you be fair
12 and impartial in the trial of this case?

13 THE JUROR: I prefer not.

14 THE COURT: All right, sir. I'll excuse you.

15 Number 18's excused.

16 Sir, your number?

17 THE JUROR: Oh, I don't know it.

18 THE COURT: What's your name?

19 THE JUROR: Chauncey Outing.

20 THE COURT: Scott. I'm sorry. What number?

21 THE CLERK: 226.

22 THE COURT: 226, Mr. Outing.

23 THE JUROR: Oh, I had a brother murdered about two
24 years ago in Denmark.

25 THE COURT: Okay. Sir, can you be fair and

JURY SELECTION

1 impartial in the trial of this case?

2 THE JUROR: No.

3 THE COURT: All right, sir. You're excused.

4 Sir, your number?

5 THE JUROR: I think it's 241, Hason Platts.

6 THE COURT: Yes, sir.

7 THE JUROR: Oh, I have two of my first cousins
8 were murdered.

9 THE COURT: Sir, can you be fair and impartial in
10 the trial of this case?

11 THE JUROR: No.

12 THE COURT: You're excused, sir.

13 Okay. Ladies and gentlemen, is any member of the
14 jury panel a member of or a contributor to any group
15 which has, as its primary concern, the promotion of law
16 enforcement or victim's rights, if so, please stand.

17 (No response.)

18 THE COURT: Ladies and gentlemen, that would
19 include such groups like MADD, Mothers Against Drunk
20 Driving, or CAVE, Citizens Against Violence, anything
21 along those lines.

22 Is anyone here a member of or contributor to any
23 of those types of groups?

24 (No response.)

25 THE COURT: Has any member of the jury panel ever

JURY SELECTION

1 been a witness in a criminal trial, if so, please
2 stand.

3 (Juror responds.)

4 THE COURT: Yes, sir.

5 THE JUROR: Juror 159.

6 THE COURT: Yes, sir.

7 THE JUROR: It was with Texas Law Enforcement,
8 explosives case.

9 THE COURT: Did you testify for the State or the
10 defense?

11 THE JUROR: For the State.

12 THE COURT: All right. How long ago was that?

13 THE JUROR: Thirty years.

14 THE COURT: All right. Thank you, sir. You may
15 be seated.

16 Ladies and gentlemen, you, I know, know nothing
17 about this case.

18 And, Solicitor, you can hand me the indictments.
19 Do you have it?

20 MR. EVANS: They are in the Clerk's file.

21 THE COURT: They are in the Clerk's file. Got it.

22 Ladies and gentlemen, the allegations in this case
23 are of murder and attempted murder, and it's alleged
24 the Defendant, on March 21st of 2018, in Allendale
25 County, it appears at the Pinewood Apartments, 852

JURY SELECTION

1 Barton Road in Allendale, South Carolina is where this
2 allegedly occurred. Again, the date was March 21st of
3 2018, and, allegedly, at Pinewood Apartments or
4 somewhere near there.

5 Ladies and gentlemen, I need to know if anyone has
6 any independent information or know anything about this
7 case other than what I just told you here in this
8 courtroom?

9 (No response.)

10 THE COURT: Okay. Ladies and gentlemen, again,
11 the alleged victims in these case are a Tyrek Mitchell,
12 who is alleged that he expired as a result of this
13 incident, and a second alleged victim is a Raheme
14 Granger who I asked you as far as potential witness in
15 this case. I want to make sure, ladies and gentlemen,
16 that no one is related by blood or connected by
17 marriage to either one of those people or know those
18 people in any way, if so, please stand.

19 (No response.)

20 THE COURT: Ladies and gentlemen, also, based on
21 the nature of these charges, the allegations of murder
22 and attempted murder, and possession of a weapon during
23 the commission of a violent crime, is there anyone who
24 knows of any reason whatsoever that you cannot be fair
25 and impartial to both the State of South Carolina and

JURY SELECTION

1 the Defendant in this case, Mr. Williams, if so, please
2 stand.

3 (No response.)

4 THE COURT: Is there anything further requested
5 from this panel from the State?

6 MR. EVANS: Not from the State, Your Honor.

7 THE COURT: From the defense?

8 MR. PLEXICO: Yes, ma'am, I would ask Number 6
9 that I submitted be inquired of the jury. Go down---

10 THE COURT: I asked---

11 MR. PLEXICO: ---about it.

12 THE COURT: I asked them.

13 MR. PLEXICO: There was some of them left out in
14 going through.

15 THE COURT: Okay. Ladies and gentlemen, I asked
16 you earlier whether or not anyone here has been a
17 victim themselves or any member of their immediate
18 family had been a victim of a murder or an attempted
19 murder. I want to open that up a little bit more to
20 include a very serious assault and battery or a robbery
21 or a burglary.

22 Again, has anyone here ever been the victim of or
23 any member of your immediate family ever been the
24 victim of a serious assault and battery, a robbery, or
25 a burglary, if so, please stand.

JURY SELECTION

1 (No response.)

2 THE COURT: Anything else, Mr. Plexico?

3 MR. PLEXICO: No, Your Honor. Thank you.

4 THE COURT: All right. Thank you.

5 All right. Ladies and gentlemen, I know we've
6 been going a long time. It's been almost an hour and a
7 half since you've been here.

8 Does anyone need a quick break just to use the
9 restroom?

10 Yes.

11 All right. This is what we're gonna do, ladies
12 and gentlemen. Right now, all of your names are being
13 placed into the computer. It is going to just randomly
14 draw your name. When your name is called, ladies and
15 gentlemen, all I'm gonna ask you to do is stand in
16 place. You don't say or do anything. Each side has an
17 opportunity to accept or reject you as a juror.

18 Okay. If you're accepted by both sides, you're
19 gonna have to take a seat in the box. If one side says
20 you're excused, you're gonna sit in your seat. But
21 before we do that, ladies and gentlemen, we're gonna go
22 ahead and take a five-minute break.

23 Ladies and gentlemen, do not leave the courthouse.
24 I don't want to have to rescan everybody to get you
25 back in here.

JURY SELECTION

1 Okay. So, if you have to go refresh yourselves,
2 do so, but please, again -- we're gonna be here about
3 another 20 minutes total, and then everyone's going
4 home after that. Okay.

5 So, ladies and gentlemen, five-minute break.
6 You're welcome to walk out. Again, please try not to
7 leave the courthouse. Okay. Thank you.

8 (Break.)

9 THE COURT: All right. Ladies and gentlemen, as I
10 stated before, I -- can you please go out there in the
11 hall and get as many people as we can? Get everybody.

12 THE CLERK: Bobby, if you will check in the hall.
13 Make sure all jurors are back in the courtroom. Thank
14 you.

15 THE COURT: So, ladies and gentlemen, when your
16 name is called, just stand in place. Don't do or say
17 anything. And, again, if you are chosen, please come
18 forward and bring all your belongings with you, okay.
19 over to the jury box. If not, just sit back down where
20 you're at. Okay. But you have to wait until everyone
21 is selected.

22 Okay. Strikes are five and ten.

23 MR. EVANS: Yes, ma'am.

24 THE COURT: Okay.

25 MR. PLEXICO: Yes.

JURY SELECTION

1 THE COURT: All right.

2 THE CLERK: Betty Jean Hurt.

3 What says the State?

4 MR. EVANS: Is that 168?

5 THE CLERK: Yes, sir.

6 MR. EVANS: Please present the juror.

7 THE CLERK: What says the defense?

8 MR. PLEXICO: Please swear the juror.

9 THE COURT: Come on up, ma'am. Bring all of your
10 belongings with you.

11 THE CLERK: Juror Number 255, Robert Redd.

12 What says the State?

13 MR. EVANS: Please present the juror.

14 THE CLERK: What says the defense?

15 MR. PLEXICO: Please swear the juror.

16 THE COURT: Come on around, sir.

17 THE CLERK: Juror Number 274, Deon Robinson.

18 What says the State?

19 MR. EVANS: Please present the juror.

20 THE CLERK: What says the defense?

21 MR. PLEXICO: Please swear the juror.

22 THE COURT: Come on around, sir.

23 THE CLERK: Juror Number 55, Rachel Carter.

24 What says the State?

25 MR. EVANS: Please present the juror.

JURY SELECTION

1 THE CLERK: What says the defense?

2 MR. PLEXICO: Please swear the juror.

3 THE CLERK: Juror Number 66, Austin Connelly.

4 What says the State?

5 MR. EVANS: Please present the juror.

6 THE CLERK: What says the defense?

7 MR. PLEXICO: Please swear the juror.

8 THE COURT: Come on around.

9 THE CLERK: Juror Number 159, Morris Herron.

10 What says the State?

11 MR. EVANS: Please present the juror.

12 THE CLERK: What says the defense?

13 MR. PLEXICO: Please excuse the juror from the
14 trial of this case.

15 THE COURT: You may be seated, sir.

16 THE CLERK: Juror Number 227, Wanda Outing.

17 What says the State?

18 MR. EVANS: Please present the juror.

19 THE CLERK: What says the defense?

20 MR. PLEXICO: Please swear the juror.

21 THE CLERK: Juror Number 333, Isaiah Williams.

22 What says the State?

23 MR. EVANS: Please present the juror.

24 THE CLERK: What says the defense?

25 MR. PLEXICO: Please swear the juror.

JURY SELECTION

1 THE CLERK: Juror Number 5, Shakea Aldrich.

2 What says the State?

3 MR. EVANS: Please present the juror.

4 THE CLERK: What says the defense?

5 MR. PLEXICO: Please swear the juror.

6 THE CLERK: Juror Number 167, Daryll Hurst.

7 What says the State?

8 Juror Number -- oh, I'm sorry.

9 MR. EVANS: Just one moment. Thank you for---

10 THE COURT: That's okay.

11 MR. EVANS: Please present the juror.

12 THE CLERK: What says the defense?

13 MR. PLEXICO: Please swear the juror.

14 THE COURT: Come around, sir.

15 THE CLERK: Juror Number 207, John Mew.

16 What says the state?

17 MR. EVANS: Please excuse the juror from the trial
18 of this case.

19 THE COURT: You may be seated, sir.

20 THE CLERK: Juror Number 48, Frank Capers.

21 What says the State?

22 MR. EVANS: Please present the juror.

23 THE CLERK: What says the defense?

24 MR. PLEXICO: Please swear the juror.

25 THE COURT: Come on up, sir.

JURY SELECTION

1 THE CLERK: Juror Number 223, Karl Myrdal.

2 THE JUROR: Myrdal.

3 THE CLERK: Myrdal.

4 What says the State?

5 MR. EVANS: Please present the juror.

6 THE CLERK: What says the defense?

7 MR. PLEXICO: Please excuse the juror from the
8 trial of this case.

9 THE COURT: You may have a seat, sir.

10 THE CLERK: Juror Number 21, Willie Badger.
11 What says the State?

12 MR. EVANS: Please present the juror.

13 THE CLERK: What says the defense?

14 MR. PLEXICO: Please swear the juror.

15 THE COURT: Come forward, sir.

16 THE CLERK: Juror Number 38, Deborah Broom.
17 What says the State?

18 MR. EVANS: Please present the juror.

19 THE CLERK: What says the defense?

20 MR. PLEXICO: Please swear the juror.

21 THE COURT: Strikes, strikes are one and two for
22 the first alternate.

23 THE CLERK: Juror Number 208, Dwight Meyer.

24 What says the State.

25 MR. EVANS: Please excuse the juror.

JURY SELECTION

1 THE CLERK: Juror Number 133, Laura Gray.

2 What says the State?

3 MR. EVANS: Number 4?

4 THE COURT: 133.

5 MR. EVANS: 133. No strike for cause.

6 THE COURT: Pardon?

7 MR. EVANS: I used my one for the first alternate,
8 Judge.

9 THE COURT: Oh, you did. I'm sorry. You're---

10 MR. EVANS: That's it, Your Honor.

11 THE COURT: Okay. Mr. Plexico.

12 MR. PLEXICO: Please seat the juror.

13 THE COURT: Come on around, ma'am.

14 THE CLERK: Juror Number 163, Rosilyn Hines.

15 What says the State?

16 MR. EVANS: Please present the juror.

17 THE CLERK: What says the defense?

18 MR. PLEXICO: Please excuse the juror from the
19 trial of this case.

20 THE CLERK: Juror Number 137, Stevie Grubbs.

21 What says the State?

22 MR. EVANS: Please present the juror.

23 THE CLERK: What says the defense?

24 MR. PLEXICO: Please excuse the juror for the
25 trial of this case.

JURY SELECTION

1 THE CLERK: Juror Number 23, Sheila Barker.

2 What says the State.

3 MR. EVANS: Sorry?

4 THE COURT: 23.

5 MR. EVANS: Thank you. Please excuse the juror
6 from the trial of this case.

7 THE CLERK: Juror Number 130, Travis Graham.

8 THE COURT: Any cause from the State?

9 MR. EVANS: None from the State.

10 THE COURT: From defense?

11 MR. PLEXICO: None, Your Honor.

12 THE COURT: Come on up, Mr. Graham.

13 Also, can I see you frist, sir?

14 (Bench conference.)

15 THE COURT: Elaine, I'm gonna pull one more
16 alternate. Okay. Okay. We're gonna pull one more
17 alternate so we have three.

18 THE CLERK: Juror Number 83, Shawandar Doe.

19 What says the State?

20 MR. EVANS: Please present the juror.

21 THE CLERK: What says defense?

22 MR. PLEXICO: Please swear the juror.

23 THE COURT: Okay. Come on up.

24 Are there any matters of law that we need to take
25 up regarding the jury selection process from the State?

JURY SELECTION

1 MR. EVANS: None from the State.

2 MR. PLEXICO: No, Your Honor.

3 THE COURT: All right. Ladies and gentlemen,
4 thank you and welcome. As you understand, you're my
5 jury. Sit tight for a moment.

6 For the rest of you out there, ladies and
7 gentlemen, I'm gonna go ahead and excuse you for the
8 week. Thank you for being here.

9 (Jury panel not selected exits the courtroom at
10 1:28 p.m.)

11 THE COURT: Tell her to sit tight. I will take
12 care of it. Okay.

13 THE BAILIFF: May I approach, Your Honor?

14 THE COURT: Sure.

15 Again, welcome, ladies and gentlemen. As you
16 understand, you are my jury for the trial of this case.
17 We are going to begin it tomorrow morning, and I would
18 like to begin at 10:00 a.m. tomorrow.

19 Is that acceptable with everybody?

20 All right. Ladies and gentlemen, then there's a
21 couple of ground rules I need to tell you about before
22 we start.

23 Number one, you are not to discuss this case with
24 anyone, and that includes each other, until you've
25 heard all of the evidence, you're heard the closing

JURY SELECTION

1 arguments from the lawyers, and I charged you on the
2 law applicable to this case.

3 All right. Ladies and gentlemen, the reason is
4 this. Inevitably, if you talk to someone and tell them
5 what you're doing here, they're gonna try to tell you
6 something about something when they know nothing about
7 this case, ladies and gentlemen. You are gonna have
8 everything you need to decide this case here in this
9 courtroom. You're gonna hear the testimony from the
10 witness. You're gonna hear the evidence introduced.
11 I'm gonna tell you what -- about the law that's
12 applicable to this case, and the lawyers are gonna
13 argue their case to you.

14 Do not speak with anyone about it. When you go
15 home, the only thing you're allowed to say to a family
16 member or a colleague or a neighbor is I've been chosen
17 as a juror in the trial of a criminal trial. You
18 cannot say what type of case it is, the lawyers
19 involved, the parties involved, or any potential
20 witnesses. All right. That's just ground rule number
21 one.

22 Secondly, ladies and gentlemen, I don't think
23 there's gonna be anything in the news media or the news
24 on this case. But if there is, out of an abundance of
25 caution, if you happen to be watching the news and

JURY SELECTION

1 there's something about this case, close it, disregard
2 it. It's not factual, ladies and gentlemen, and it is
3 rarely correct. So, out of an abundance of caution,
4 I'll tell you not to look at it.

5 Also, you're not to do any independent research,
6 ladies and gentlemen, while you're at home. Again, I
7 will give you everything you need to decide this case
8 here in this courtroom, and you're gonna hear me say
9 this repeatedly. I'm the judge of the law, and I will
10 give you the law, and you, the jury, are the judge of
11 the facts, and you will determine the facts, and no one
12 can influence you in that job, ladies and gentlemen.
13 So, I just want to make sure you understand that.

14 Also, ladies and gentlemen, if you are on any kind
15 of social media, you are not to post anything or place
16 anything on Facebook or any other type of social media
17 about this case or that you're even a juror. The
18 reason is this. It invites people to reach out to you,
19 and I don't want anyone knowing you're a juror.

20 All right. Ladies and gentlemen, also I want you
21 to know the witnesses, the lawyers, the parties in this
22 case have been instructed not to speak to you in coming
23 and going during this case, and the reason is this.
24 Even an innocent conversation in the parking lot, and
25 "it's gorgeous outside", ladies and gentlemen, will be

JURY SELECTION

1 reported, and there are cameras everywhere in the
2 courthouse, in the parking lot. So, I'll have to ask
3 you about it, and I don't want to have to ask you about
4 it, ladies and gentlemen.

5 All right. Additionally, I will tell you that no
6 one is to speak to you about this case regardless of
7 who it is. All right. If anyone does, if anyone
8 approaches you or says anything to you in any way about
9 this case, I need you to immediately tell the bailiffs
10 and you come to me. You don't talk about it with the
11 jurors. Just come talk to me. Just say, I need to
12 speak with the Judge, and I will take care of it.

13 All right. Ladies and gentlemen, also I just
14 request that you-all are on time tomorrow morning at
15 10:00 a.m. If you run into car trouble or have a
16 problem or fall ill over the evening, you need to call
17 in. I can't start until all 15 of you are here, and
18 I'm gonna be looking for you.

19 So, ladies and gentlemen, if anyone needs a ride
20 to the courthouse, simply ask the bailiffs afterwards
21 and we'll get that arranged if, if transportation is a
22 problem. Again, I can't start until all of you are
23 here, and these lawyers are ready to go, the witnesses
24 are ready to go.

25 All right. Lastly, ladies and gentlemen, when I

JURY SELECTION

1 sent you back to your jury room, that's where you're
2 gonna report tomorrow, and we're gonna tell you how you
3 are to come in. You're not gonna come in through the
4 regular courtroom, and I need you to elect a
5 foreperson. A foreperson doesn't have any more say
6 than anyone else. They're simply the person that
7 communicates with me during the trial of this case in
8 regards to scheduling, and they're also the person, at
9 the end of trial, is gonna fill out the verdict form to
10 decide, you know, not guilty, guilty on each of the
11 charges, and also they're gonna have to sign at the
12 bottom.

13 Ladies and gentlemen, when you have elected that
14 foreperson out of the 12 main jurors, I need you to
15 give that name over to the bailiffs so I know who they
16 are, and that person's gonna take this front seat each
17 time that we come.

18 Ladies and gentlemen, during the rest of the trial
19 as you come and go, you can move around seats. I just
20 need to be able to keep track of my alternates, and my
21 foreperson most of the time.

22 Okay. All right. Ladies and gentlemen, lastly,
23 you do not allow cell phones, do you?

24 THE CLERK: No.

25 THE COURT: No.

JURY SELECTION

1 Ladies and gentlemen, that's the last thing I need
2 to tell you. If you were able to get a cell phone in
3 today, leave it back in the car or leave it at home.
4 The reason why we don't let jurors have cell phones is
5 you can get so much information off of a smart phone
6 these days. I don't want anyone tempted. I don't want
7 anyone Googling anything. So, out of an abundance of
8 caution, we require you to leave them back in your car
9 or leave them at home. If, while you're here, you need
10 a phone, simply ask, and we're gonna take you to
11 probably a very old fashioned dial up rotary phone that
12 doesn't exist anywhere anymore except in courthouses
13 across the State.

14 All right. Also, during this time, if you have a
15 family member or friend needing to reach you emergently
16 while you are here, simply tell them to call to the
17 Clerk of Court's Office. Tell them you're a juror, and
18 I assure you I will come grab you.

19 Okay. Everyone okay?

20 I apologize, ladies and gentlemen, for us going
21 into 1:30 or so. I always have to kind of decide
22 whether or not to break and send you to take lunch and
23 come back. I figured it would be better to get you out
24 of here because you started at 11:30. I can tell you
25 that our typical lunch hour will be by one o'clock

JURY SELECTION

1 though. It depends sometimes on how the witnesses
2 break down, but we will break anywhere from 12:15,
3 12:30ish, all the way to maybe 1:00 or so.

4 Okay. So, ladies and gentlemen, I am gonna go
5 ahead and excuse you back to the jury room. They're
6 just gonna get good phone numbers for you, and perfect
7 addresses from you if there's any issue, and I will see
8 you all back in your jury room at 10:00 a.m. tomorrow
9 morning where we're gonna start this case.

10 All right. I appreciate it, ladies and gentlemen.
11 You are excused.

12 (The jury exits the courtroom.)

13 THE COURT: Can we start back at 2:30? Does that
14 give us enough time?

15 All right. We have pretrial motions for this
16 afternoon. I would love to be able to start back at
17 2:30. That gives us just a little under an hour if
18 that's okay. Sorry we're running late for everybody.
19 I'm gonna be here, and then -- so just let them grab a
20 bite to eat, and we'll be back at 2:30, and then we
21 will begin pretrial, okay?

22 MR. PLEXICO: Yes, Your Honor.

23 MR. EVANS: Thank you, Your Honor.

24 THE COURT: Absolutely.

25 (Lunch recess.)

PRETRIAL PROCEEDINGS

1 THE COURT: All right. Let's go ahead with
2 pretrial motions. What do you want to do first, Mr.
3 Evans?

4 MR. EVANS: Judge, the first thing actually
5 pertains to our jury. This is not something that, that
6 I had a chance to bring up before they were excused.
7 But when the eighth juror was selected, who was Juror
8 Number 5, Shakea Aldrich, came up to take her seat
9 Special Agent McCallister heard her make a comment
10 which has me concerned that she cannot be fair and
11 impartial. I realize, of course, that she's gone and
12 she cannot answer any of your questions right now. But
13 I wanted to bring it to your attention right away, and
14 have Special Agent McCallister repeat---

15 THE COURT: What did she say?

16 MR. EVANS: If we could---

17 SPECIAL AGENT McCALLISTER: She said, "I didn't
18 sign up for this bullshit".

19 THE COURT: Okay.

20 MR. EVANS: And, Judge, that's a comment -- I
21 realize that, you know, generally, no juror really
22 wants to do jury duty. That's why so many of them, you
23 know, don't even come. But that's a comment that
24 suggests something higher to me, a maliciousness
25 towards the system itself. I don't know who she'll be

PRETRIAL PROCEEDINGS

1 unfair too. I think it could be argued either way
2 based on that comment alone, but I'm, I'm grateful that
3 Your Honor saw that we had enough people to spare and
4 we could, could get a third alternate. I would ask you
5 to seat the first alternate in Ms. Aldrich's place.
6 And I understand you're probably not gonna do that
7 today given that she's already been excused, but---

8 THE COURT: Mr. Plexico.

9 MR. PLEXICO: Your Honor, there are two points.
10 One, I don't think that means anything. Nobody wants
11 to do jury, jury service. This is, you know, they
12 aren't, they aren't like Winston Churchill,
13 unfortunately. That means absolutely nothing.

14 Two, that knowledge was sitting at the table when
15 she walked by. We picked more and more jurors, and
16 then he stood up and told the Bench that there was no
17 problems with the jury earlier. I think he's waived
18 it, on top of that, and it's not even an issue. It's
19 not a reason to excuse the juror.

20 THE COURT: Okay. Well, when she comes in
21 tomorrow morning, I am gonna ask Elaine, can you make
22 sure that, before she gets in with the rest of the
23 jurors, to keep her separately.

24 THE CLERK: Okay.

25 THE COURT: And I'll talk to her first thing

PRETRIAL PROCEEDINGS

1 tomorrow morning.

2 Okay?

3 MR. EVANS: Thank you, Your Honor. I guess the,
4 the most substantive motions are the Jackson v. Denno
5 and the Neil v. Biggers. Both of which Special Agent
6 McCallister would be our one and only witness.

7 Did you want to hear any sort of preamble before
8 she testifies, or just have her jump right into it?

9 THE COURT: She can just jump right into it.

10 MR. EVANS: Okay.

11 Thereupon,

12 KATHRYN MCCALLISTER

13 was called as a witness, having been first duly sworn,
14 was examined and testified as follows:

15 MR. EVANS: Judge, if it's all right with you,
16 I'll just ask her questions about all the issues unless
17 Mr. Plexico wants me to break it up. I don't know.

18 THE COURT: I think it's fine---

19 MR. EVANS: Okay.

20 THE COURT: ---to go ahead and ask them both.

21 DIRECT EXAMINATION

22 BY MR. EVANS:

23 Q Special Agent McCallister, are you the case
24 officer on this case --

25 A I am, sir.

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 Q -- State versus Jamel Williams?

2 A Yes.

3 (Discussion about sound.)

4 THE COURT: Okay. Let's go.

5 BY MR. EVANS:

6 Q But you are the case officer in this case, State
7 versus Jamel Williams?

8 A Yes.

9 Q Tell us, did you have the occasion to speak with
10 Mr. Williams in the course of your investigation?

11 A I did.

12 Q When was that?

13 A We spoke a, a few times. The first time was
14 March 22nd, 2018. The second was March 24th, 2018.

15 Q And was he a suspect on either or both of those
16 occasions?

17 A Yes.

18 Q How do you proceed when you're, when you're
19 speaking to somebody you're investigating?

20 A He was Mirandized. He was told why we were here,
21 what we wanted to talk about. He did waive Miranda --

22 Q Okay.

23 A -- at both interviews.

24 Q Okay. Let me ask you this. Was he in custody?

25 A He was not.

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 Q Both times---

2 A -- or I'm sorry. The first time, he was not in
3 custody. The second time he was.

4 Q March 22nd he was not in custody. March 24th he
5 was.

6 A Yes.

7 Q How did he come to be in custody?

8 A We detained him after the first interview.

9 Q After the first interview. All right. But he --
10 or where did, where did these interviews take place?

11 A The first one took place at the Allendale Police
12 Department. The second one took place at the Allendale
13 County Jail.

14 Q Okay. And the first one, on March 22nd where he
15 was not in custody, did he come of his own accord or did you
16 reach out to him?

17 A No, he came with his brother.

18 Q All right. You said that he was Mirandized, and
19 he waived Miranda. What's your standard procedure, as a
20 SLED agent, and then did you follow that this time?

21 A So, we have a Miranda rights form that we read to
22 the person that we're questioning. We have them initial
23 that they understand their rights. And then there's two
24 questions that asked do you understand these rights. They
25 answer yes or no. And do you wish to talk to us at this

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 time. They answer yes or no. There's also a waiver of
2 rights that I have them read as I read it aloud from a blank
3 page. And if they agree with all of it, and agree to speak,
4 they sign a waiver, and then it's witnessed.

5 Q Okay. Witnessed by who?

6 A Myself and the agent with me.

7 Q Do you always interview with a second agent
8 sitting with you?

9 A Not always, but we typically try to do that.

10 MR. EVANS: All right. May I approach, Your
11 Honor?

12 THE COURT: You may.

13 BY MR. EVANS:

14 Q Special Agent, I'm gonna pass you three pieces of
15 paper, and ask if you, if you can identify this for the
16 Court.

17 A The, the first one is Miranda rights. It's a SLED
18 Miranda rights form. It's dated March 22nd, 2018, at 11:15
19 a.m. The second one is the same form at the -- dated March
20 24th, 2018, at 1:10 p.m. And the third is, again, dated
21 March 24th, 2018, at 6:11 p.m.

22 Q Those are the same forms that you created and Mr.
23 Williams signed in this case?

24 A Yes.

25 Q Or copies of them I should say.

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 A Yes, sir.

2 MR. EVANS: Your Honor, the State would move these
3 into evidence for purposes of this Jackson v. Denno
4 hearing as State's 1, 2, and 3.

5 THE COURT: Any objection?

6 MR. GIBBS: No objection, Your Honor.

7 THE COURT: Thank you.

8 *(Whereupon, State's Exhibit No(s). 1-3 marked for*
9 *identification and received in evidence.)*

10 BY MR. EVANS:

11 Q Special Agent McCallister, why is that third one
12 blank?

13 A After the initial interview on the 24th, myself,
14 and I believe it was Agent Blake Johnson, we left the jail.
15 A short time later the jail called and said that
16 Mr. Williams wanted to speak with us a third time. I
17 notified my supervisor, Lieutenant Harley. He came and --
18 came from Beaufort, met me at the jail. We attempted to
19 interview Mr. Williams again. At that time he would not
20 acknowledge the Miranda rights form. So, we did not
21 interview him.

22 Q It seemed he had a change of heart?

23 A Yes.

24 Q Okay. How about the second interview when he was
25 in custody? Did he have a lawyer at that time?

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 A He did not. I don't think.

2 Q Okay. And did he initiate that or did y'all? Was
3 it---

4 A It was---

5 Q Did he---

6 A ---initiated by him.

7 Q All right. So, you, you got a call, similar as to
8 the third one, you got a call from the jail and went over
9 there to see what he had to say?

10 A After we served the arrest warrants, just prior to
11 this interview, he indicated that he wanted to speak with
12 us.

13 Q Oh, I see. So, you were already there to serve
14 the warrants?

15 A Yes.

16 Q He said he'd like to talk as long as you're here
17 --

18 A Yes.

19 Q All right. And then proceeded. Did you videotape
20 these interviews?

21 A I did.

22 Q All three or just the first two?

23 A I believe it was all -- I believe it was the first
24 two. The third one we couldn't get the camera.

25 Q Okay.

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 A So --

2 Q But there's no substantive evidence that came out
3 of that---

4 A No.

5 Q ---that helped you in the investigation anyway.
6 Was this whole Miranda procedure done on those videos?

7 A Yes.

8 Q All right. That's all I have for the Jackson v.
9 Denno. I guess I'll move on.

10 THE COURT: Just let me note for the record --

11 MR. EVANS: Yes, ma'am.

12 THE COURT: -- that over the lunch hour I was able
13 to review---

14 MR. EVANS: Oh.

15 THE COURT: -- those as well. And I also reviewed
16 the two interviews. And I also reviewed -- well, it
17 was the three photographs. So --

18 MR. EVANS: Yes, ma'am, which we're about to jump
19 into those.

20 THE COURT: I assumed as much.

21 MR. EVANS: There you go.

22 THE COURT: But I wanted to note that for the
23 record.

24 MR. EVANS: Thank you.

25 THE COURT: But I don't know if you were gonna---

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 MR. EVANS: Thank you.

2 BY MR. EVANS:

3 Q Special Agent McCallister, turning to the issue
4 of, of photo line-ups, did you speak with any witnesses in
5 the course of your investigation to whom you presented photo
6 line-ups?

7 A I did.

8 Q Who were those people?

9 A Devontre Priester, Joe Loadholt. I believe those
10 were the only two.

11 Q How about Mr. Glenn Miller? We'll go over him as
12 well. I know it's a bit unusual, but did you do anything
13 with him as far as the photograph?

14 A He was shown a photograph, but he knew the
15 Defendant previously.

16 Q Okay. Well, we'll take them one at a time. Well,
17 actually, first, tell me, just like we did for the, for the
18 Miranda, which is standard practice as a SLED agent when
19 you're -- when you know you're gonna be giving somebody a
20 line-up.

21 A My specific practice, I put it in an unmarked
22 blank manila folder. I put it on the table, take my hands
23 off. We just -- we go over the affidavit of photographic
24 line-up.

25 Q That's a form that SLED has produced?

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 A It is---

2 Q It's standard?

3 A ---standard. It's a standard SLED form. If, if
4 they agree to look at the form, they acknowledge their
5 agreement in writing on the form. They initial. We read
6 them a set of statements. They initial it. I tell -- once,
7 once we go over the form, I tell them, when they are ready,
8 to please take the folder, open it, and let me know if
9 there's anybody they recognize.

10 Q And there may or may not be anybody?

11 A Yes.

12 Q Okay. Did you do this with Mr. Priester?

13 A I did.

14 Q Did you do this with Mr. Loadholt?

15 A I did.

16 Q All right. May I approach, Your Honor?

17 THE COURT: You may.

18 Q Special Agent McCallister, I'm gonna hand you four
19 more pieces of paper and ask if you could identify to the
20 Court what those are.

21 A The first piece of paper is the affidavit of
22 photograph identification for Devontre Priester. The second
23 is the six-pack photo line-up. The third is a refusal of
24 the affidavit, or a refusal to sign it. And then the second
25 is, again, the six-pack photo line-up that bears Joe

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 Loadholt's initials.

2 Q Who refused to sign it?

3 A Mr. Loadholt.

4 Q But he did agree to take a look at the---

5 A He did.

6 Q ---line-up itself, and he made an identification?

7 A He did.

8 MR. EVANS: Your Honor, the State would move these
9 four documents into evidence as State's 3 through 8---

10 THE COURT REPORTER: State's 4.

11 MR. EVANS: ---as---

12 THE COURT REPORTER: State's 4 through 9.

13 MR. EVANS: Oh, 4 through 8. Thank you. For
14 purposes of this hearing.

15 *(Whereupon, State's Exhibit No(s). 4-8 marked for*
16 *identification and received in evidence.)*

17 THE COURT: Go ahead. Any objection?

18 MR. PLEXICO: Your Honor, I don't think the second
19 set would be admissible if Joe didn't sign the
20 affidavit to say he positively identified him. Then we
21 have no idea about the degree of accuracy that Joe
22 Loadholt has, and he's the uncooperative witness.

23 MR. EVANS: But it's -- it, for purposes of this
24 hearing, you can argue at the end, right?

25 THE COURT: Go ahead.

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 BY MR. EVANS:

2 Q All right. Special Agent McCallister, did
3 Mr. Loadholt or Mr. Priester have any trouble understanding
4 your instructions?

5 A They did not.

6 Q You followed your, your typical protocols that
7 you've just explained to us in this case?

8 A We did.

9 Q All right. And did they have any difficulty
10 making an identification?

11 A No.

12 Q What was the specific question that you asked them
13 before they opened the manila folder, to the best of your
14 recollection?

15 A They were asked to take the manila folder off the
16 table, and if they recognized anyone, to let me know and
17 point to the person.

18 Q And let you know what that person did?

19 A Yes.

20 Q Okay. Did they both indicate that the person that
21 they picked out was the shooter in this case, your suspect?

22 A They did.

23 Q All right. Tell us how you get these line-ups.
24 Are you responsible for creating them?

25 A No. So, an email is sent to the Fusion Center in

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 Columbia, it's SLED's Fusion Center, along with the name,
2 date of birth, height, weight, hair color, stuff like that
3 of the Defendant, or of the suspect, to the Fusion Center.
4 They pull him up and create a photo line-up at our request.

5 Q Okay. How do they get the other five photos?

6 A I believe it's DMV photos.

7 Q Okay. So, someone who should come close to
8 matching that person's appearance?

9 A Yes.

10 Q All right. Did both of the individuals pick out
11 Mr. Jamel Williams?

12 A They did.

13 Q All right. Did Mr. Loadholt refuse to sign the
14 affidavit before he took a look at the line-up or after?

15 A After.

16 Q After. So, he had already made his
17 identification? He just didn't want to sign it or
18 something? I mean --

19 A He -- exactly. He didn't want to put it in
20 writing.

21 Q Has that happened be -- to you before?

22 A It's not uncommon.

23 Q It's not uncommon. So, it is common?

24 A It is.

25 Q All right. How about Glenn Miller? I don't have

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 any exhibits to hand you up, but can you tell us, just
2 briefly, we touched on it earlier, what, what, if anything,
3 did you do with him?

4 A Mr. Miller identified the shooter by a nickname
5 and his full name.

6 Q He---

7 A He had prior knowledge. There were several Jamel
8 Williamses. We showed him a -- just a DMV photo of this
9 particular Mr. Williams, and he said that's him, that's
10 Jamel, that's Melo (phonetic).

11 Q So, a single photo without a name, but after he
12 had already given a full name?

13 A Yes.

14 Q So, is this, is this standard or is this sort of
15 belt and suspenders?

16 A It's standard. We, we needed to confirm that we
17 had the right Mr. Williams.

18 Q All right. You did not interview Raheme Granger
19 when he took a look at a line-up, did you?

20 A I did not.

21 Q Are you familiar with generally what happened?

22 MR. PLEXICO: That would all be hearsay, and I
23 would object, Your Honor, even here.

24 MR. EVANS: We can move on, and he didn't make an
25 -- he wasn't able to make a successful identification.

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 I just wanted Your Honor to have a full picture.

2 But that's it for for purposes of these two
3 motions I suppose, Judge.

4 THE COURT: Okay. Mr. Plexico.

5 CROSS EXAMINATION

6 BY MR. PLEXICO:

7 Q Okay. With Devontre Priester, did he have any
8 prior knowledge of my client?

9 THE COURT: Who is "he"?

10 MR. PLEXICO: Devontre Priester.

11 THE COURT: Okay.

12 A I believe he knew who he was, yes, sir.

13 Q How long had he known my client?

14 A I do not know.

15 Q Okay. You, on your form -- could I see the form
16 that you moved in to State's evidence, please? These say
17 that, I'll state in my own words, how certain I am of the
18 identification; is that correct?

19 A Yes, sir.

20 Q All right. And I don't see anything in the mix
21 about how he said he was -- how certain he was.

22 A No, sir.

23 Q That's correct?

24 A Yes, sir.

25 Q Okay. All right. So, the form is not being

CROSS EXAMINATION OF KATHRYN MCCALLISTER BY MR.
PLEXICO

1 followed to the letter, is that right?

2 A I mean I -- I can't tell them what to write on it.

3 Q I understand. I shall state, in my own words, how
4 certain I am of the identification. Is that correct?

5 A Yes, sir, that's what it says.

6 Q And you also have typed in that I've reviewed a
7 group of six photographs, which I have positively identified
8 photograph number so and so, and that's on each one of these
9 forms too?

10 A Yes, sir.

11 Q So, y'all promise that they can determine how
12 certain they are, but then you make them sign a form that
13 says they're positively identifying this picture, correct,
14 in the next paragraph?

15 A I mean yes, sir, that's what it says.

16 Q And this is what you do all over the state?

17 A Yes, sir.

18 Q So, they never actually have a chance to say how
19 certain they are, is that correct? There's no place on the
20 form for it, is it? I'm 50 percent, 20 percent, 80 percent?

21 A No.

22 Q There isn't, is there?

23 A No.

24 Q I'm wrong?

25 A No, sir, there's, there's not a space on the form

CROSS EXAMINATION OF KATHRYN MCCALLISTER BY MR.
PLEXICO

1 for that specific percentage.

2 Q Okay. All right. So, you have no idea how
3 certain either one of these people are because the form
4 doesn't allow them to put that down, correct?

5 A Yes, sir.

6 MR. PLEXICO: I don't have, I don't have anything
7 further, Judge.

8 THE COURT: Okay. Let's go ahead and hear
9 argument on Jackson v. Denno. And I don't necessarily
10 need to hear from you. Mr. Plexico, I need to hear
11 from you, if you have any argument on the Jackson v.
12 Denno.

13 MR. PLEXICO: Well, Your Honor, if, if they have
14 no idea how certain a person is, and they haven't
15 asked---

16 THE COURT: We're talking about the Jackson v.
17 Denno first.

18 MR. EVANS: Jackson v. Denno first.

19 MR. PLEXICO: Oh, okay. All right. I don't
20 actually---

21 THE COURT: Okay.

22 MR. PLEXICO: Well, we wanted to go through the
23 motions and make sure that everything---

24 THE COURT: I understand that.

25 MR. PLEXICO: ---was properly done, Judge.

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1 THE COURT: I'll just go ahead and tell you -- I'm
2 sorry. I didn't mean to talk over you. I apologize.

3 MR. PLEXICO: No, go ahead.

4 THE COURT: The interview on March 22nd of '18 at
5 11:15 a.m., he was not in custody at the time. I think
6 it was freely and voluntarily made, and it's
7 appropriate, absent any coercion.

8 And the interview on March 24th of 2018 at
9 10:10 p.m., he clearly was in custody. He was in
10 handcuffs. He, while he was in custody, he did request
11 an interview from what I hear, and I do not believe it
12 was coercive in any way. And I think it was freely and
13 voluntarily made.

14 Let's now go on to the Neil v. Biggers. The first
15 one would be Devontre Priester, correct?

16 MR. EVANS: Yes, ma'am. I'm not sure in which
17 chronological order they happened in the course of the
18 case, but that is the one we discussed first. But,
19 frankly, for neither of them do I see an issue. I
20 think the videos speak for themselves. I think Special
21 Agent McCallister's personal procedure goes above and
22 beyond their requirements. That's why she uses that,
23 that folder technique so that there can't be any hint
24 of, of a suggestion by the way she passes the paper.

25 I believe, if I'm not mistaken, Your Honor can

PRETRIAL MOTIONS

1 correct me, but the photo of the Defendant is in a
2 different spot---

3 THE COURT: It is.

4 MR. EVANS: ---in each line-up, which is an extra
5 level of security. I, you know, I would have preferred
6 that Mr. Loadholt would sign the form, but as she
7 testified, that was after he made the identification,
8 and that's---

9 THE COURT: I think the video speaks for itself.

10 MR. EVANS: Yes, ma'am, that's -- I agree.

11 THE COURT: The simple fact that it was videotaped
12 is an extra protection that isn't in most cases. So, I
13 appreciate that.

14 Mr. Plexico.

15 MR. PLEXICO: Your Honor, I believe the, the
16 process has a fatal flaw in that it has a positive that
17 does not allow them to give a statement as to their
18 certainty of the identification. If they had wrote,
19 typed in that it's positively identified cause they
20 have a person sign, and I think that negates the
21 integrity of the procedure.

22 And I will move to not allow those two
23 photographic line-ups on that, Judge. Because we have
24 no, no idea how certain the individuals are of their,
25 of their identification due to that flawed procedure.

PRETRIAL MOTIONS

1 THE COURT: Mr. Evans.

2 MR. EVANS: I -- Your Honor, the question just
3 isn't suggestive. The essence of that question comes
4 in the line-up itself. The form really, to me, is, I
5 don't want to say superfluous, but it's sort of above
6 and beyond. I don't see the error. I understand his
7 concern, and you know, I can, I suppose, take it up
8 with the powers that be. But I don't think it's enough
9 to over, to use your phrase, overcome their will and
10 their ability to make a fair identification.

11 THE COURT: I think, given the totality of the
12 circumstances, the IDs, they're reliable and proper. I
13 understand that. Correct me if I'm wrong, Mr. Loadholt
14 may become a combative witness; is that correct?

15 MR. EVANS: Yes, ma'am. I'm glad you brought that
16 up. We did discuss it in chambers, but thank you for
17 introducing it for the record. I interviewed or
18 attempted to interview, with Mr. Davis, and I did last
19 week, Mr. Loadholt to prepare him for testimony. He
20 was served. He was here this morning and indicated he
21 would be back tomorrow morning. However, he has
22 evidently gone through a change of heart in his desire
23 to cooperate with the State's case. I haven't had a
24 chance to fully explain to him how the procedure will
25 go. But my intention is to call him, to ask him if he

PRETRIAL MOTIONS

1 remembers the night of, to ask him if he remembers his
2 statement to Special Agent McCallister.

3 If, as I anticipate he indicates that he does not
4 remember or just doesn't give any kind of answer, at
5 that point -- well, I'll go over the substance of the,
6 of the statement. It's a 20-minute long interview. So
7 I'm not gonna, you know, read it to him. But I'll give
8 him the gist of it, give him a chance to agree or
9 object. I'll turn it over to Mr. Plexico for
10 cross-examination. And then I'll excuse him. And then
11 call Special Agent McCallister for the sole purpose of
12 going over his interview, entering the video into the
13 record, and also his photo line-up into the record at
14 that time. But that's how we expect that will go with
15 Mr. Loadholt.

16 I would prefer that he would just cooperate and
17 stick with his prior statement rather than making an
18 inconsistent statement, obviously, but I believe that
19 Rule 613(b) does anticipate this and will allow us to
20 proceed this way.

21 I, you know, I would, I would rather Mr. Plexico
22 have a fair chance to cross-examine him, you know, face
23 to face, but unfortunately this is how it looks like
24 it's gonna be.

25 THE COURT: Mr. Plexico.

PRETRIAL MOTIONS

1 MR. PLEXICO: Your Honor, I don't think it's
2 admissible for -- the video's admissible if the affiant
3 is not subject to cross-examination. How can it be
4 admissible if he won't answer questions? So, in other
5 words, he's going to put up a witness that I'll -- that
6 I have a constitutional right to cross-examine. He
7 must answer my questions, yet he will not. He is
8 knowingly putting up a witness that will not answer
9 cross-examination questions. So, I mean, I don't see
10 how -- I think that's a due -- the Federal and State
11 due process violation.

12 THE COURT: I think you have to actually -- you
13 have to put him up first, and he has to not answer the
14 questions.

15 MR. EVANS: The, the rule -- if I---

16 THE COURT: So---

17 MR. EVANS: I hate to interrupt, but the -- Rule
18 613, and credit to Solicitor Legette who gave me a
19 refresher on this last week, but Rule 613(b), extrinsic
20 evidence of a prior inconsistent statement by a witness
21 is not evidence unless the witness is advised of the
22 substance of the statement, the time and place it was
23 allegedly made, and the person to whom it was made, and
24 is given the opportunity to explain or deny the
25 statement. If the person -- if the witness does not

PRETRIAL MOTIONS

1 admit he has made a prior inconsistent statement,
2 extrinsic evidence of such statement is admissible.

3 However, if a witness admits making the prior
4 statement, the extrinsic evidence is inadmissible. So,
5 if he has a change of heart tonight and tells me, yes,
6 that's what I said, and you know, he could, I suppose,
7 say that's what I said, but it was a lie then and I'm
8 telling the truth now, you know. But this -- the rule
9 anticipates this. And I believe, under our version of
10 801, in that the prior statement can then come in as
11 substantive evidence, if I'm not mistaken. But I, I
12 mean---

13 MR. PLEXICO: Go ahead.

14 MR. EVANS: -- on a citizen level, rather than an
15 advocate level, I understand his dilemma and apologize
16 for it.

17 MR. PLEXICO: Your Honor, we can make any rules
18 that we want to in regards to evidence, but they must
19 all be constitutional, and they cannot deny the
20 Defendant his constitutional right. Particularly a
21 very important right to cross-examine the State's
22 witness.

23 THE COURT: Again, you would have to do a proffer
24 ahead of time to determine whether or not he is going
25 to answer questions or not.

PRETRIAL MOTIONS

1 MR. PLEXICO: Yes, ma'am.

2 THE COURT: That would have to be done first
3 before I can, okay.

4 MR. EVANS: Thank you, Your Honor. That takes
5 care of that. Mr. Plexico did have a motion filed to
6 exclude hearsay across the board. The way I would
7 suggest just handling that is to say he make a timely
8 objection if and when it comes up. I'm going to, of
9 course---

10 THE COURT: If there's an exception, you're going
11 to --

12 MR. EVANS: If there's an exception, I'll, I'll
13 argue it at the Bench, and I'll make every effort, I
14 may not be able to grab every witness before they come
15 out here, but I'll certainly attempt, for those who I
16 can give a last minute prep, to tell them, you know,
17 you can't quote anybody except Mr. Williams.

18 The folks who I have interviewed, like
19 Mr. Granger, I've already let him know that. But that,
20 that's how I think the best way to handle that is. I
21 mean, of course, we don't want inadmissible hearsay in,
22 in the record, but that's why we have objections.

23 MR. PLEXICO: My apologies. My client insisted
24 absolutely that I file this motion. And I explained to
25 him the procedures. But I thought that it was worth a

PRETRIAL MOTIONS

1 minute of the Court's time---

2 THE COURT: I understand.

3 MR. PLEXICO: ---reassuring that we were gonna be
4 fair to my client.

5 THE COURT: Absolutely.

6 MR. PLEXICO: Thank you.

7 THE COURT: And certainly raising objection, and
8 you tell me if there's an exclusion and what rule would
9 apply.

10 Okay. What else?

11 MR. EVANS: We would -- we discussed this in
12 chambers briefly. We would ask to sequester witnesses.
13 I know Mr. Plexico is not concerned, but I think it's
14 just -- there's no harm in it. So, why not do it?
15 Mr. Granger, our victim, he's probably going to be my
16 third witness. I've asked him, in preparing him, you
17 know, let's just wait, wait outside until you're
18 called, and then you can watch the rest of the trial.

19 So he'll, in effect, be sequestered as well. But
20 he -- of course, he would have a constitutional right
21 to be here throughout. And, of course, I would ask
22 that Special Agent McCallister, as the case officer, be
23 allowed to remain in as well. I doubt Mr. Plexico will
24 have any objection.

25 THE COURT: Any objection, Mr. Plexico?

PRETRIAL MOTIONS

1 MR. PLEXICO: I just wanted to talk with -- and I
2 don't see my list here because they're coming from out
3 of state, and I think that it was Sam Inman that --
4 Brandon Inman.

5 THE COURT: Brandon Inman.

6 MR. PLEXICO: Brandon Inman. He's coming from out
7 of state, and I was -- would like to talk with him
8 aside. I don't think he's talked to him, and I just,
9 out of fairness, I pointed that out to the solicitor.
10 Because he was a late add on my list, and I would just
11 like to be able to talk to him, and I wouldn't mind the
12 Solicitor too or his staff.

13 THE COURT: Where is he coming from, or do you
14 know?

15 MR. EVANS: Illinois?

16 MR. PLEXICO: I think---

17 MR. EVANS: We had several witnesses---

18 MR. PLEXICO: Illinois. My people went northwest
19 after this.

20 THE COURT: Okay.

21 MR. PLEXICO: And his people are from New York I
22 think.

23 MR. EVANS: Well, several of -- I believe several
24 of the witnesses who are on both of our lists are in or
25 at least claim to be in the State of Illinois. You

PRETRIAL MOTIONS

1 know, I'm planning on calling, just a, you know, almost
2 all of those same folks in my case. The main concern I
3 have is, is making sure that we're moving in a timely
4 fashion. I don't think there are enough witnesses in
5 this case where we'll run up to the end of the week if
6 we have to break for a while. But Mr. Plexico and I, I
7 guess, can talk about going -- calling out of order if
8 we need to. If he doesn't have any objection, maybe we
9 can stipulate to some foundation or something so that
10 we can call a different witness if we need to out of
11 order. That's my main concern with these folks coming
12 down here.

13 MR. PLEXICO: They're supposed to be here, from
14 what I know, Wednesday morning. So, we should be
15 pretty good.

16 THE COURT: Okay.

17 MR. EVANS: I mean---

18 MR. PLEXICO: And I hate to say it, if they aren't
19 here by Wednesday afternoon or if I hadn't heard from
20 him or he hadn't---

21 MR. EVANS: Right. No, I would---

22 MR. PLEXICO: ---they obviously are not coming.

23 THE COURT: Okay.

24 MR. EVANS: I would, I would agree with that. I'm
25 just, I guess, just apologizing to the Court in advance

PRETRIAL MOTIONS

1 if we do have to break a bit early tomorrow or if, if
2 he and I can't come to an agreement on how we could
3 call a different witness out of order.

4 MR. PLEXICO: I think we can work it out.

5 THE COURT: Okay.

6 MR. EVANS: Okay.

7 THE COURT: I appreciate that. Well, we'll go
8 ahead and we'll sequester the witnesses for a ruling on
9 that, see how it goes. You two talk.

10 MR. EVANS: Yes, ma'am.

11 THE COURT: If you can't agree, then certainly I
12 can---

13 MR. EVANS: And, on, on a similar subject, there
14 are a few witnesses who I haven't been able to give him
15 rap sheets yet because they did not provide SLED with
16 their birth dates. I'm working on that. I hope I can
17 get those all to him before we begin, but there may
18 need to be, you know, five minutes here or there once
19 they arrive.

20 THE COURT: Okay.

21 MR. EVANS: I'm told that all we need for a rap
22 sheet is a name and a birthday. We don't need a
23 social.

24 THE COURT: Okay.

25 MR. EVANS: So, hopefully we should be able to

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1 look those up lickety split and get them to him. I
2 don't anticipate that they'll have anything, but you
3 never know.

4 THE COURT: Okay.

5 MR. EVANS: So we've covered that. And, I guess,
6 last, Judge, we -- Mr. Plexico and I have worked out
7 some stipulations already. That's why some of the
8 witnesses were able to be excused. I'll just briefly
9 let you know what those are pretty much going to be.

10 One, we're still working through our old cases
11 where the coroner of Allendale County passed away
12 before he could testify in these murder cases. So,
13 Mr. Plexico and his client are stipulating that the
14 remains, which Dr. Ross examined in her autopsy, were
15 those of Tyrek Mitchell. We're stipulating to the
16 internal chain of custody for everything that the SLED
17 agents examined, which I thank him for because that
18 lets the, the technicians stay in the lab and keep
19 doing their work.

20 THE COURT: Okay.

21 MR. EVANS: We've stipulated that Thomas Darnell
22 does not need to testify. What he does, Judge, is he's
23 a fingerprint expert.

24 THE COURT: Uh-huh.

25 MR. EVANS: And after he checks for fingerprints,

PRETRIAL MOTIONS

1 typically on a gun, then he will prepare the gun for --
2 with touch DNA swabs.

3 THE COURT: Uh-huh.

4 MR. EVANS: The reason that the same person does
5 both is because, obviously, once you wipe it for touch
6 DNA those fingerprints won't stay. So, they have to do
7 one, then the other, and they have the same person do
8 both. Mr. Plexico has agreed to stipulate to him
9 beginning the chain for the swabs as long as we also
10 put in the record that he found no fingerprints from
11 which he could, you know, run through the system, and
12 I'm certainly fine with that. And I think the last, at
13 least for now, is Ms. Anglika Dodwani. She just
14 prepared a DNA sample from the -- from a blood sample
15 that came from the autopsy. He's stipulated she
16 doesn't need to testify either. So, I appreciate all
17 of those that he's graciously agreed to.

18 THE COURT: Is that correct, Mr. Plexico?

19 MR. PLEXICO: Yes, those are.

20 THE COURT: Okay. All right. So, anything else
21 before we---

22 MR. EVANS: I can't think of anything else for
23 today. You had -- we agreed -- oh, we agreed to the
24 Motion to Quash. We discussed that in chambers.
25 Indictment --

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1 THE COURT: Yes.

2 MR. EVANS: -- 18 at 46 actually had that file
3 here, which I'll return to Ms. Sabb. I did not call
4 that when the jury was present, but for --

5 THE COURT: Nor did I.

6 MR. EVANS: Yes, ma'am. But for the benefit of
7 the record, that was for possession of a weapon by a
8 violent felon. Mr. Williams' prior record has a strong
9 armed robbery, which is not a violent offense. So,
10 that was one of those situations, I think, maybe where
11 it shows up the arrest charge in the rap sheet, and
12 that's what it was based on. It should -- these things
13 happen, and the only reason it's not nolle prossed yet
14 is I didn't want anything to look funny before we had a
15 proper trial, because obviously I knew we were going to
16 have a trial. But it will be -- it will be nolle
17 prossed at the end of this week regardless of the
18 result of this trial. There will be no, you know,
19 sandbagging or, you know, second effort at trying him
20 on that.

21 THE COURT: Okay.

22 MR. EVANS: So, we agree, I guess, with the --
23 with that Motion to Quash. Mr. Plexico has motions
24 regarding his client's record, which we touched on a
25 bit in chambers, and a Motion to Bifurcate. I'll let,

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1 I'll let him---

2 MR. PLEXICO: There was---

3 THE COURT: Yes. That's what is going is the new
4 -- it's gonna be the charge -- it's gonna be lost on
5 the possession of a weapon by a person convicted of a
6 violent crime. And so that was---

7 MR. EVANS: Oh, I thought it would---

8 MR. PLEXICO: Yes, ma'am.

9 MR. EVANS: I thought this referred to the PWDVC,
10 not the violent felon.

11 MR. PLEXICO: No.

12 MR. EVANS: Oh, okay. My apologies. But then I
13 guess that leaves the discussion of his record, which
14 to me that's, that's an issue for the close of the
15 State's case because Your Honor can't really---

16 THE COURT: I can hear it now.

17 MR. EVANS: I'm sure you have an idea of what
18 you'll do, but---

19 THE COURT: My understanding is the only potential
20 past conviction is the strong armed robbery, is that
21 correct, in 2000? And you said -- when did it actually
22 occur, and then when did he finish his sentence?

23 MR. PLEXICO: March 31st of 2017. But he pled in
24 2012, and I think it actually happened in 2010 or 2011.
25 It happened in 2010. So, it's actually been quite a

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1 while ago, almost ten years since the event happened.
2 And it's been a number of years since he's been, he's
3 been released from prison. That's the only thing that
4 he has. And he's so much older now, Judge. I don't
5 think it's reflective of his character, and I believe
6 you'll see through this incident.

7 THE COURT: And I'm sure your argument is that
8 it's prejudicial, obviously, and outweighs the
9 probative value. How old is your client now, Mr.
10 Plexico?

11 MR. PLEXICO: 29.

12 THE DEFENDANT: 29.

13 THE COURT: 29. So, that happened in 2009, and
14 we're talking about you were 18, 19?

15 THE DEFENDANT: 2009.

16 THE COURT: So you were basically 18, right?

17 THE DEFENDANT: 2009 I was 19. When it happened I
18 was 20 years old in 2010.

19 THE COURT: Okay. And on that strong armed
20 robbery, did you get a probation violation or were you
21 given an active sentence?

22 THE DEFENDANT: No, ma'am, I was, I was given an
23 active sentence, and I was re---

24 THE COURT: Okay. And did you---

25 THE DEFENDANT: A reconsideration was in 2012.

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1 THE COURT: Okay.

2 THE DEFENDANT: To 25 years old.

3 THE COURT: Okay. How would a reconsideration
4 take that long?

5 MR. PLEXICO: I think he testified against a
6 codefendant.

7 THE COURT: Okay.

8 MR. PLEXICO: Good for my guy.

9 THE COURT: Okay.

10 MR. PLEXICO: Good for my guy.

11 THE COURT: Okay. All right. You can be seated,
12 sir.

13 All right. Well, we will come to that at the
14 point where I discuss with you whether or not you wish
15 to testify in the trial of this case. So, we will
16 discuss whether or not that conviction -- they just
17 raised it for me just so I'm aware of it. But I want
18 to wait and hear. As it stands, I know nothing about
19 your case for the most part other than what's in the
20 indictments. And so I need to hear what the testimony
21 is to determine whether or not it would be prejudicial
22 or probative in this case. So, I just need to be able
23 to hear and know about the case.

24 So, with that said, is there anything further from
25 anyone, the State?

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1 MR. EVANS: I can't think of anything, Judge.

2 THE COURT: From the defense?

3 MR. PLEXICO: I just want to make sure that no
4 one's gonna test -- and this goes back to, I didn't do
5 a Stand Your Ground, but that there's not gonna be any
6 insinuations from any of the officers that my client
7 was unlawfully armed at the time. I don't, I don't
8 think that will be appropriate in the view of the case
9 law because you can lawfully be armed in self-defense
10 even if you're not supposed to have a gun.

11 So, I mean I'm -- that's looking at your opinion
12 here that you wrote over in Colleton on a Stand Your
13 Ground case. And the mere unlawful possession of a
14 firearm does not automatically bar a self-defense
15 charge. I mean, that's just -- I want to make sure the
16 officers aren't, aren't pop them out and saying
17 something like, He shouldn't have had the gun anyway.

18 THE COURT: Let me read my opinion cause I---

19 MR. EVANS: I only brought four pages of it.

20 THE COURT: My Stand---

21 MR. PLEXICO: I only brought four pages of it, the
22 relevant pages.

23 THE COURT: Oh, of course.

24 MR. PLEXICO: I'm sorry. No, no.

25 THE COURT: That self-defense charge, my only

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1 concern is, is that whether or not it meets the
2 elements of self-defense, and the question in that
3 case, if I remember correctly, was whether or not you
4 have to be able to do -- on self-defense, correct me if
5 I'm wrong, you have to be without fault.

6 MR. PLEXICO: Correct.

7 THE COURT: And so the question becomes is if you
8 were doing an illegal act while unlawfully carrying a
9 gun when you're not supposed to be, is that -- I
10 mean---

11 MR. PLEXICO: That was, that was---

12 THE COURT: That was the issue, correct?

13 MR. PLEXICO: Right. And you said it was okay for
14 them to have the gun.

15 THE COURT: Okay. All right.

16 MR. PLEXICO: Based on the case law.

17 THE COURT: All right. Well, let me look at that
18 first before in the morning, and let me just look at
19 what I did. Tell me what case that was again cause you
20 and I---

21 MR. PLEXICO: I will have to email it to you
22 because it's in my stack. I've got a, I've got a---

23 THE COURT: Understood.

24 MR. PLEXICO: I've got a defense file.

25 THE COURT: Just email it to my law clerk if you

PRETRIAL MOTIONS

1 would---

2 MR. PLEXICO: Okay.

3 THE COURT: ---and I'll take the time to look at
4 it.

5 Okay?

6 MR. PLEXICO: Okay. I'll scan it and send it on
7 to you.

8 THE COURT: Do you even know when I issued this?

9 MR. PLEXICO: It's a 2014 opinion.

10 THE COURT: Okay. All right. Anything else?

11 MR. EVANS: No, ma'am.

12 THE COURT: Okay.

13 MR. EVANS: I don't believe so.

14 THE COURT: All right. What time do we have
15 everyone here tomorrow morning? Obviously the jury is
16 going to be here at 10:00. I would like you here at
17 least 20 minutes before that.

18 MR. EVANS: Oh, yes, ma'am.

19 THE COURT: Is that okay?

20 Mr. Williams, are you okay? All right. So, I'll
21 see everyone at about 20 minutes to 10:00. Maybe if
22 the attorneys get here a little bit before that, Mr.
23 Plexico. So maybe if the attorneys are here at 9:30.
24 Let's just make sure we have Mr. Williams by 20 till
25 10:00. We'll be able to start at 10:00.

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1 Okay.

2 MR. PLEXICO: Yes, ma'am.

3 MR. EVANS: Yes, ma'am.

4 THE COURT: All right. I appreciate it, y'all.

5 Okay. I'll see everyone in the morning.

6 MR. EVANS: Thank you.

7 MR. PLEXICO: Thank you.

8 (Trial adjourned for the day. Proceedings to be
9 continued on 1-7-2020.)

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1 THE COURT: All right. Mr. Plexico, do I need to
2 bring this juror out to talk to her?

3 MR. PLEXICO: Yes, Your Honor. We would like to
4 keep the juror.

5 THE COURT: Okay.

6 MR. PLEXICO: My client's adamant.

7 THE COURT: Okay.

8 MR. PLEXICO: Thank you.

9 THE COURT: Okay. If you would go get her for me
10 please? It's Juror Number 5, Ms. Aldrich.

11 (Juror enters the courtroom.)

12 THE COURT: Come on in, Ms. Aldrich. Come in.
13 Come forward. We just need to put some things on the
14 record. Okay?

15 THE CLERK: Come all the way up.

16 THE COURT: Please come all the way up right here.
17 Just to the microphone, if you would.

18 Ma'am, I know I spoke to you briefly in chambers,
19 but I also wanted to talk to you. There were a couple
20 of things that, that we discussed back in chambers that
21 you said you had some concerns. First off, it's my
22 understanding yesterday that, when you were chosen to
23 sit on the jury panel, you made a comment. I didn't
24 sign up for this BS---

25 THE JUROR: I didn't---

1-7-2020 PROCEEDINGS

1 THE COURT: ---is what I understood the comment to
2 be, and asked you about that in chambers, and if you'd
3 go ahead and tell me what your response was.

4 THE JUROR: Yeah.

5 THE COURT: Go ahead.

6 THE JUROR: That I -- I just said I was nervous,
7 and I said I didn't sign up, but I didn't say no BS --

8 THE COURT: Okay.

9 THE JUROR: -- you know. But I'm nervous. Like I
10 said, I never been in a courtroom --

11 THE COURT: Okay.

12 THE JUROR: -- especially for this, and being that
13 I can't hear. I didn't hear a lot of stuff that you
14 was saying.

15 THE COURT: And that was my other concern because
16 yesterday you also said, and you're, right now, holding
17 one of your ears as well. You said that there was a
18 lot of things that I said yesterday that you didn't
19 even hear.

20 THE JUROR: No.

21 THE COURT: Is that correct?

22 THE JUROR: I was trying to read your lips.

23 THE COURT: You were trying to read my lips?

24 THE JUROR: Yeah.

25 THE COURT: Okay. Do you have a hearing problem?

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1 THE JUROR: Yes, and I have hearing aids, but I --
2 the batteries, I need to get more batteries for them.

3 THE COURT: Okay. So, there was things that I
4 said yesterday that you did not hear?

5 THE JUROR: Yeah.

6 THE COURT: Is that correct?

7 THE JUROR: Actually I didn't know what case it is
8 cause I don't, like I say, I don't know the -- I don't
9 know him, you know.

10 THE COURT: Okay.

11 THE JUROR: So --

12 THE COURT: All right. Ma'am, what I'm gonna do
13 is this. I am gonna remove you as a juror because you
14 are -- just told me that you didn't hear much of what I
15 said during my qualifications yesterday. So, I am
16 gonna excuse you from the trial of this case, but I'm
17 gonna ask that you now, leave the courtroom, and I will
18 excuse you for the remainder of the week. I just need
19 you to know, next time, be absolutely sure, if you do
20 get called to Court as a juror, for any reason, if you
21 can't hear either me or someone else talking about what
22 is going on, this is important business, you need to
23 stand up and say I cannot hear you, and we should of
24 addressed it then.

25 THE JUROR: Yes.

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1 THE COURT: Okay.

2 THE JUROR: You're right.

3 THE COURT: Because now it's too late at this
4 point. I can't go back and say everything that I told
5 you yesterday.

6 THE JUROR: Yeah.

7 THE COURT: Okay?

8 THE JUROR: Okay.

9 THE COURT: All right. So, I am gonna go ahead
10 and excuse you.

11 THE JUROR: Oh.

12 THE COURT: But thank you.

13 THE JUROR: All right. Thank you.

14 THE COURT: Okay.

15 THE JUROR: Okay. What do I do?

16 THE COURT: You can go straight back out. Thank
17 you. Thank you.

18 (Juror exits the courtroom.)

19 THE COURT: Mr. Plexico, go ahead and put your
20 objection on the record --

21 MR. PLEXICO: Thank you, Your Honor.

22 THE COURT: -- if you actually have anymore now
23 that's she's told us -- she told me she couldn't hear
24 anything yesterday when I was talking.

25 MR. PLEXICO: I would of, I would of asked that

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1 she go buy hearing aids and keep her on the jury, buy,
2 buy batteries for hearing aids, and that would of
3 solved the issues. Thank you, Judge.

4 THE COURT: And, again, I can't undo her not
5 having heard my voir dire yesterday, and my other
6 instructions to the jury. So, as a result of that,
7 it's best to remove her. I'm gonna place the first
8 alternate in her place.

9 All right. Anything else before we bring the jury
10 in this morning, from the State?

11 MR. EVANS: I don't believe so, Your Honor.

12 THE COURT: Anything---

13 MR. PLEXICO: We're---

14 THE COURT: ---Mr. Plexico?

15 MR. PLEXICO: We're ready to proceed, Your Honor.

16 THE COURT: All right. Ladies and gentlemen, if
17 you're in the gallery, I just want to make sure you
18 understand, and I know you will probably recognize the
19 seriousness of this trial, but I want to also make sure
20 that there is no head bobbing, head shaking. Everybody
21 is sitting up, facing forward, as far as this case is
22 concerned. No coughing while all these lawyers are
23 doing their opening statements, and during the
24 testimony. It's very hard to hear in this courtroom,
25 and I just can't have a lot of movement.

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1 I tell people often, when you're here, treat it
2 like you're in church as far as how you are sitting,
3 and how you're acting, and conducting yourself.

4 Okay. If anyone has a problem with that, I'm
5 gonna tell you right now that you need to remove
6 yourself because if, for any reason, anyone acts out in
7 this courtroom, I'm gonna have to take you into
8 custody, and we'll have a contempt hearing, and I don't
9 want to do that.

10 Okay. All right. Let's go ahead.

11 Elaine, if you will swear them in.

12 MR. EVANS: Judge, but just quickly before they
13 come in, we'll have to have a, a brief matter of law
14 about some photographs for the third witness. So,
15 we'll need to, to briefly---

16 THE COURT: For the third witness?

17 MR. EVANS: Third witness, yes, ma'am.

18 THE COURT: All right.

19 MR. EVANS: Mr. Plexico---

20 THE COURT: Okay.

21 MR. EVANS: ---just has a couple of small
22 concerns, but we --

23 THE COURT: Okay.

24 MR. EVANS: Thank you.

25 (The jury enters the courtroom at 10:16 a.m.)

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1 THE COURT: Thank you. Good morning, ladies and
2 gentlemen. It's a pleasure to see you-all.

3 Ms. Gray, my first alternate, would you please
4 raise your hand?

5 Ms. Gray?

6 THE JUROR: Uh-huh.

7 THE COURT: I just want to let you know that you
8 are actually on this jury now. I've had to release one
9 of the jurors. So, please understand now that you are
10 an active member of this jury, and, ladies and
11 gentlemen, I will caution my other two alternates as
12 well, the reason why we have alternates is because we
13 may lose people during the trial of the case. So, it
14 is especially important that you pay attention because
15 it's very possible that you could end up in the
16 deliberations in this case. So, I just want to make
17 sure that you give your full attention.

18 Ladies and gentlemen, at this time, what's gonna
19 happen is Ms. Sabb is going to swear you in as the jury
20 for the trial of this case. I'm gonna make a few brief
21 opening comments, and then the lawyers are going to
22 make opening statements to you about the case, and then
23 we're gonna start calling witnesses.

24 All right. I'd ask you-all to please rise. Raise
25 your right-hand to accept the juror's oath.

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1 THE CLERK: Gives the oath.

2 THE COURT: Ladies and gentlemen, what I am now
3 going to say to you is intended to serve as an
4 introduction to the trial of this case. And, ladies
5 and gentlemen, if any of you, at any time, cannot hear
6 me, please wave so that I know I need to speak up or
7 come closer.

8 Ladies and gentlemen, these remarks that I'm
9 making at this time are not a charge on the law in this
10 case. This is simply the instruction on how, ladies
11 and gentlemen, the case is going to unfold so you now
12 understand what's happening.

13 Now, ladies and gentlemen, the defendant in this
14 case, Mr. Williams, has been charged by indictments
15 filed in this Court with the offenses of murder,
16 attempted murder, and possession of a weapon during the
17 commission of a violent crime, the elements of which I
18 will explain to you at the end of the trial after
19 you've heard all the evidence.

20 Now, ladies and gentlemen, an indictment is simply
21 a charge by which a case is brought into the Court, and
22 it is not, in any sense, evidence of any of the
23 allegations that it contains. Now, in this case, the
24 Defendant, Mr. Williams, has pled not guilty to these
25 indictments. The State, therefore, has the burden of

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1 proving each of the elements of each of the indictments
2 beyond a reasonable doubt. And it's your duty, ladies
3 and gentlemen, to decide whether the State has met that
4 burden.

5 Now, your purpose, as jurors, is to find and
6 determine facts. You, the jury, are the sole judge of
7 all facts in this case. If, at any time, I make any
8 comment regarding the facts of this case, you must
9 disregard them. You are to determine facts from the
10 testimony that you're going to hear from the witness
11 stand as well as any other evidence that's introduced
12 into the Court, and it is up to you to determine the
13 inferences which you feel may properly be drawn from
14 the evidence.

15 Now, please understand that it is especially
16 important that you perform your duty of determining the
17 facts diligently and conscientiously because,
18 ordinarily, there is no way to correct an erroneous
19 determination of facts by a jury. On the other hand,
20 ladies and gentlemen, and with equal emphasis, the same
21 law that makes you, the jury, the judge of the facts,
22 makes me the judge of the law. The law as given by the
23 Court is the only law that you may consider. You must
24 accept and follow it even though you may disagree with
25 it.

1 I cannot tell you what the facts in this case are,
2 and you cannot disagree with me about what the law is
3 or should be. Your job is to take the law as I give it
4 to you at the end of this trial, and apply it to the
5 facts as you find them from the testimony of the
6 witnesses, and any other evidence that's introduced.
7 And, after doing that, ladies and gentlemen, you will
8 render a verdict in this case.

9 Now, until I tell you to begin your deliberations,
10 you must not discuss this case with anyone, and that
11 includes your fellow jurors, friends, family members,
12 or anyone involved in this case. Ladies and gentlemen,
13 the attorneys and the parties and the witnesses have
14 been advised that they are not to talk to you at all.
15 So, if you see anyone involved in this case and they do
16 not even say hello or speak to you, please understand
17 they're not being impolite. They are simply following
18 my orders.

19 Additionally, ladies and gentlemen, as I told you
20 earlier, no one should approach you or talk to you in
21 regards to this case in any way or in any form, and if
22 someone were to, you need to immediately report it to
23 me.

24 Now, ladies and gentlemen, I don't think there's
25 gonna be anything in the T.V. or in the news or in the

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1 newspaper, ladies and gentlemen, but, out of an
2 abundance of caution, I am required to tell you that
3 you are not to read anything that may be in the
4 newspaper, or watch anything, or listen to anything on
5 the radio. You may not consider anything you have read
6 or heard about this case outside of the courtroom,
7 whether before or during the trial.

8 Please understand it is especially important that
9 you keep an open mind, and not decide any issue in this
10 case until all the evidence has been presented, the
11 parties have made their closing argument, and I have
12 instructed you on the law as applicable to this case.

13 Ladies and gentlemen, your verdict must be based
14 solely on the evidence as it's presented to you in this
15 trial, and on the law that I instruct you during and at
16 the close of the trial.

17 Now, ladies and gentlemen, in just a moment the
18 Solicitor is going to make what's called an opening
19 statement in which he's gonna explain to you the issues
20 in this case, or at least what he believes the issues
21 are in this case. And then the attorney for the
22 Defendant will also make an opening statement, although
23 he is not required to do so. What these attorneys will
24 tell you in their opening statements is not evidence in
25 this case. Again, it is only their contention as to

1 what the issues are. The evidence, ladies and
2 gentlemen, in this case will be presented to you by the
3 testimony again of sworn witnesses from the witness
4 stand, and any other exhibits that are made a part of
5 the record.

6 Now, I want you to know, ladies and gentlemen,
7 from time to time you may hear one of the lawyers say
8 something like, Your Honor, I believe we have a
9 question of law or Your Honor, may we approach the
10 bench or I may wave them up to have a conversation with
11 them up here. I want you to know something. We're not
12 hiding anything from you. Oftentimes, when I have to
13 rule as a matter of law whether or not certain
14 testimony or evidence is admitted, I may make a comment
15 on the facts in the case, and because I would never
16 want you to be influenced by what I do or say, out of
17 an abundance of caution, we just do it outside of your
18 presence.

19 Now, ladies and gentlemen, in determining what the
20 true facts are in this case, you must decide whether or
21 not testimony of the witnesses is believable. It's my
22 responsibility to rule as a matter of law whether or
23 not certain testimony is admitted, but once it is
24 admitted, whether or not you believe it is solely for
25 you to determine.

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1 In deciding whether to believe a witness, you have
2 the right to consider the interest of any witness, the
3 bias of any witness, the prejudice of any witness, and
4 you can also look at the opportunity for the witness to
5 have seen the matters and things about which the
6 witness may testify. You can also look at the way the
7 witness acts on the witness stand.

8 You have the right to consider anything that is in
9 the record that will help you evaluate the testimony of
10 the witnesses. That means, ladies and gentlemen, it is
11 your duty to pay close attention to these witnesses, to
12 observe these witnesses, to listen to these witnesses,
13 and to pay close attention to the attorneys and to the
14 Court.

15 Now, ladies and gentlemen, again, I'm encouraging
16 you, do not let your thoughts wander. At that very end
17 of this case when I send it to you, I want you to be
18 able to accurately remember the testimony given. So,
19 at this time, ladies and gentlemen, if you will give
20 your attention to the attorneys, and they will make
21 their opening statements.

22 Before I do that, any exceptions or additions to
23 my opening comments from the State?

24 MR. EVANS: Not from the State.

25 THE COURT: From the defense?

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1 MR. PLEXICO: None from the defense, Your Honor.

2 THE COURT: All right. Ladies and gentlemen, we
3 will begin the trial at this time. If you will give
4 Mr. Evans your attention please.

5 MR. EVANS: Thank you, Your Honor. May it please
6 the Court?

7 THE COURT: Yes, sir.

8 OPENING STATEMENT BY THE STATE

9 MR. EVANS: Mr. Plexico.

10 Ladies and gentlemen, late May, 2018, a happy time
11 for everyone at the Allendale Fairfax High School as
12 graduates walk across the stage, receive their
13 diplomas, and move into a bright future. Tyrek
14 Mitchell's name was read that day, but unlike the rest
15 of his class, he didn't walk across that stage. His
16 family had to collect his diploma because that bright
17 future was ostensibly stolen from him about two months
18 earlier, March 21st, 2018, by Jamel Williams when Jamel
19 Williams took a gun and shot Tyrek Mitchell twice in
20 the head and once in the arm.

21 That's why we're here today, ladies and gentlemen,
22 because Jamel Williams did that, stole that future from
23 Tyrek Mitchell at Pinewood Apartments here in
24 Allendale, Allendale County. That's why we need you
25 here.

OPENING STATEMENT BY THE STATE

1 You're gonna hear, over the course of the next few
2 days, about the events of that night, March 21st, 2018.
3 You're gonna hear from people who were at the Pinewood
4 Apartments, home of the Patterson sisters. You're
5 gonna hear from some of them. You're gonna hear from a
6 man named Raheme Granger, a cousin of Mr. Mitchell's,
7 and another victim in this case. His future still
8 ahead of him, but he'll be here to tell you about how
9 he, too, was shot by Jamel Williams in the face.

10 You're gonna hear from other folks who were there
11 about what happened, and how this all started. It
12 started with a silly argument, an argument over a
13 tablet computer, and ended here in the courtroom.
14 You're gonna hear from members of the law enforcement
15 community, from the Allendale Police Department, from
16 the South Carolina Law Enforcement Division, which we
17 normally call SLED for short, including Katie
18 McCallister who investigated this case. You're gonna
19 hear from people from SLED who came down and turned the
20 scene of the crime upside down looking for everything
21 they could, everything to find out what is the truth.

22 That's what we're here about today, ladies and
23 gentlemen, finding the truth, and you're gonna give it
24 to us believe it or not. You're gonna hear from expert
25 witnesses from SLED to talk about toxicology,

OPENING STATEMENT BY THE STATE

1 ballistics, the science of firearms, and DNA. You're
2 gonna hear from all those people to let you know that
3 not a stone was left unturned in the search for the
4 truth.

5 But that's not all you'll hear. You will hear
6 Jamel Williams tell Kate McCallister how and why he did
7 this. That's what you're going to hear over the course
8 of the next few days, ladies and gentlemen. And then,
9 at the end of the trial, you're gonna hear from the
10 Judge again. She's going to tell you what the law is.
11 She's gonna instruct you on what exactly does murder,
12 attempted murder, and possession of a weapon during the
13 commission of a violent crime mean in the State of
14 South Carolina.

15 She is the judge of the law, but you are the
16 judges of the facts. And after you learn what the law
17 is, and after you've heard the evidence in the case,
18 you're gonna go into that jury room, where you've
19 already been, we call it retiring, but it's not really
20 retiring because that's when your work really begins,
21 and you're gonna come back out when your work is done
22 and tell us what the truth is, deliver us a verdict.
23 Verdict means, in Latin, truth speak, veredicto. So,
24 you're gonna tell us what is the truth. Only you can
25 do that.

OPENING STATEMENT BY THE STATE

1 See, lawyers, and police officers, we don't have
2 any common sense because we're in this everyday.
3 That's why we need you, to use your common sense and
4 your ability to pay attention, and understand these
5 facts as they come to you from that witness stand.
6 You'll be able to take that testimony, and any
7 exhibits, any physical items that come into evidence
8 back into the jury room with you, and then you'll tell
9 us what the truth is.

10 And Mr. Plexico, I expect, is going to stand up in
11 a few minutes, a few moments and tell you that his
12 client is entitled to a fair trial, that the State of
13 South Carolina has the burden of proof in this case,
14 and that burden, burden is a high one, proof beyond a
15 reasonable doubt. And you may not hear me say this
16 again for the rest of the trial, but I agree with all
17 of that.

18 His client is entitled to a fair trial by a jury
19 of his peers, but the State of South Carolina is also
20 entitled to a fair trial. Raheme Granger and Tyrek
21 Mitchell are entitled to a fair trial.

22 Please pay attention. Wait till all the evidence
23 is in, and the judge has instructed you before you make
24 a decision. When that time comes, I'm going to talk to
25 you again, and I'm going to ask you to find him guilty.

OPENING STATEMENT BY THE STATE

1 Thank you in advance for your attention.

2 MR. PLEXICO: Your Honor --

3 THE COURT: Yes, sir.

4 MR. PLEXICO: -- Mr. Solicitor, Mr. Foreperson,
5 ladies and gentlemen of the jury, I'm Steve Plexico.
6 I've been here practicing law in Allendale since about
7 1990. Probably watched some of y'all grow up.

8 It's good to be in front of a jury. Don't know
9 how long I'm gonna be able to do it, but every time I
10 get a chance to come here, especially in my hometown of
11 Allendale, to protect somebody here or to help, to help
12 our side of the story, I think that I've done a great
13 service to the Court and to the community.

14 I want y'all to keep your ears open. This is not
15 a matter of writing a check. This is not a fender
16 bender, or whoever was a little bit more at fault gets
17 out a checkbook and buys them a new fender or a new car
18 part or pays for their doctor, doctor bill for their
19 insurance I guess I should say.

20 This is a criminal trial, and I want to correct
21 something the State has to say here. These facts, I
22 think when it's all said and done, are gonna come out
23 to be clear. You had two angry men who were hunting up
24 another man that they thought had stolen from them,
25 who, we believe, were both armed, and we intend to put

OPENING STATEMENT BY THE STATE

1 up proof showing that. We're gonna show that the
2 State's witnesses are less than truthful, and that
3 these two men, bent on revenge, getting their stuff or
4 getting their money, and bent on violence, these are
5 the facts that I believe you'll see, two men bent on
6 violence went to my client's home. Not the girl's
7 home. It's the home of my client of the girls and the
8 children. I think you call them arm babies was one way
9 I heard them described.

10 Okay. And these men bent on violence invaded my
11 client's home wanting revenge, who, I believe the
12 evidence is gonna show, when it's all said and done,
13 who were armed.

14 Now, I don't get the case. I think it's gonna be
15 obvious, and something else wrong the Solicitor said is
16 it was a silly argument that ended in the courtroom.
17 It's not gonna end in the courtroom this week because
18 the people that he puts up as witnesses, one, can't be
19 prosecuted, but the other one got shot and survived,
20 okay, on the door stoop, all right, or in the doorway,
21 he should be prosecuted. So, it shouldn't be over this
22 week after a not guilty verdict. This is what the
23 evidence is gonna show, and this is why I'm asking you
24 to keep your ears and eyes open.

25 Remember, you grade witness's credibility. Think

OPENING STATEMENT BY THE STATE

1 about how probable that this is and what they're
2 saying, and what's going on. The State has to -- like
3 I said, if my client puts up a self-defense defense,
4 they have to disprove self-defense beyond a reasonable
5 doubt. That's an extremely heavy burden. Then, when
6 they're done with that, they've got to turn around and
7 prove murder, number one, which is the taking of the
8 life of another with malice.

9 Look at the facts and see if anybody who could be
10 in with -- you find the facts to be what you want. In
11 the end, this is why it's important for you to listen,
12 in the end, how could anybody in their home, okay,
13 that's been invaded, have malice, which is an evil
14 heart intent on doing wrong, intent on taking a, a
15 human life. That's what -- that's what you're gonna
16 have to find.

17 So, this is an important, important day for my
18 client. This few days we're gonna be here is gonna be
19 important. Then you have the other charge that he's
20 charged with, which is attempted murder, which you have
21 to find malice for that too. And how could a person in
22 this situation, how could someone in their home, how
23 could there be malice in this particular situation?
24 And, further, it's your view, your guest, the women who
25 live there, the children, the children's friends or the

OPENING STATEMENT BY THE STATE

1 children's girlfriends or boyfriends, people can't come
2 in your home in America armed, bent on taking stuff.
3 What are they thinking?

4 This is why you need to listen, listen to the
5 evidence, and what would an American do to defend their
6 homes? In the end, the Judge is gonna give y'all jury
7 charges, and please pay attention to them. Please pay
8 attention to them. If you go by the letter of the law,
9 I think there's no way that you're gonna ever be able
10 to, in the end, find my client, Jamel Williams, guilty
11 of anything.

12 A loss of a life and an injury is all sad, but
13 thank God it wasn't dad, the children, or the women in
14 the house. Some men still protect women and children
15 in America, and I'm proud of them, and I'm proud to
16 defend that man.

17 Wait till you hear all the evidence.

18 THE COURT: You may call your first witness, sir.

19 MR. EVANS: State calls Ervin Ford.

20 Thereupon,

21 ERVIN FORD

22 was called as a witness, having been first duly sworn,
23 was examined and testified as follows:

24 THE COURT: Mr. Evans.

25 MR. EVANS: Thank you, Your Honor.

DIRECT EXAMINATION OF ERVIN FORD BY MR. EVANS

1 DIRECT EXAMINATION

2 BY MR. EVANS:

3 Q Would you please give your name for the record and
4 spell your last name?

5 A Ervin Ford. F-O-R-D.

6 Q And where do you work, Mr. Ford?

7 A I work with Allendale Police Department.

8 Q What's your rank there?

9 A I currently hold the rank of captain.

10 Q Captain. Captain Ford, do you remember -- well,
11 let me ask you this first. How long have you worked for the
12 Allendale PD?

13 A I been working for the Allendale Police Department
14 approximately eight and a half years.

15 Q Did, did you work in law enforcement before that?

16 A Yes, sir.

17 Q Where?

18 A Prior to coming to Allendale, I worked with the
19 City of, City of Orangeburg and Orangeburg Department of
20 Public Safety.

21 Q For how long in the Orangeburg?

22 A I worked in Orangeburg for approximately 18
23 months.

24 Q So about ten years total?

25 A Yes, sir.

DIRECT EXAMINATION OF ERVIN FORD BY MR. EVANS

1 Q Do you remember the events of March 21st, 2018
2 that brought us here today?

3 A Yes, sir.

4 Q What can you tell us about that date?

5 A On, on the date and time in question, officers
6 with the Allendale Police Department, we were dispatched to
7 Pinewood Park Apartments in reference to gunshots being
8 fired in the area.

9 Q And where is Pinewood Apartments?

10 A The address for the Pinewood Park Apartments is
11 852 Barton Road located in Allendale, South Carolina.

12 Q City of Allendale?

13 A Yes, sir.

14 Q In the County of Allendale?

15 A Yes, sir.

16 Q All right. Please continue. What, what did you
17 do when you were dispatched there?

18 A When we were dispatched, proceeded to go to
19 Pinewood Park Apartments. While en route to Pinewood Park
20 Apartments, the, the dispatcher with Allendale County
21 Dispatch Center was able to advise that there was actually
22 confirmed that somebody actually was shot in the apartment
23 complex.

24 Q Is that what you found when you got there?

25 A Yes, sir.

DIRECT EXAMINATION OF ERVIN FORD BY MR. EVANS

1 Q And tell us about what you observed.

2 A Upon arrival to the parking lot, was able to see
3 several people out in the parking lot. People were
4 hurriedly, hurriedly running away -- running to cars,
5 running to different apartments. As we exited, exited my
6 patrol vehicle, I was directed to one of the apartments
7 where several people was in the breezeway, and they were
8 able to direct me to a person that was inside of that
9 apartment shot.

10 Q What did he look like?

11 A Upon arrival inside of the apartment, I was able
12 to see a young man lying on the floor. He had apparent
13 gunshot wound to the head. Was able to see blood, different
14 things of that nature on the carpet. There was also a, a
15 revolver laying close to the male, male subject that was on
16 the ground.

17 Q Okay. A revolver, what is that?

18 A A firearm.

19 Q A gun?

20 A Yes, sir.

21 Q Okay. How close was it to him?

22 A It was very close to him.

23 Q What did you do when you saw all that?

24 A When I saw that, I radioed to dispatch and let
25 them know that we did have a confirmed victim. Advised them

DIRECT EXAMINATION OF ERVIN FORD BY MR. EVANS

1 to go ahead and send EMS in. Once radioed to have EMS come
2 in, a protective sweep was done of the apartment just to
3 ensure that nobody else was inside of the apartment.

4 Q And why is -- well, you tell us, to ensure nobody
5 else was in there, but why is that important?

6 A That's important as officer safety purpose,
7 purposes. Got to ensure EMS, they're safe. And just want
8 to -- just want to make sure nobody else was in there so
9 nobody don't come out and surprise us. We already have one
10 person shot. We don't want to get injured as well.

11 Q Well, did you find anybody in that, that sweep?

12 A There was nobody else in the apartment.

13 Q All right. What did you do after sweeping the
14 apartment?

15 A There were several people trying to get into the
16 apartment. So, at that time, we shut the door to stop
17 anybody from getting in. Once EMS arrived, just to --
18 for -- just to make the scene safe, and for everybody in
19 there, I put on gloves. I collected the firearm, unloaded
20 the firearm, and placed it inside an evidence bag.

21 Q And why did you do that?

22 A Again, I just want to make, make sure the scene is
23 safe for everybody. I don't want to destroy any evidence,
24 and, of course, don't want anybody else to get, get shot.

25 Q Okay. Did you hang on to that firearm?

DIRECT EXAMINATION OF ERVIN FORD BY MR. EVANS

1 A I did.

2 Q What happened to it?

3 A Oh, after I secured it in the evidence bag, I
4 placed it in the trunk of my vehicle.

5 Q And did you maintain control or did you ever give
6 it to anybody?

7 A Once the investigators with the South Carolina Law
8 Enforcement Division arrived on scene, it was turned over
9 to, to, to the agent.

10 Q How did the South Carolina Law Enforcement
11 Division come to be involved? Can you tell us that?

12 A Standard operating procedures of Allendale Police
13 Department, any time we come to a scene where there's the
14 likelihood that the victim will not survive his injuries or,
15 in the event that they've already died, it's protocol of
16 Allendale Police Department to contact the South Carolina,
17 South Carolina Law Enforcement Division so they can head the
18 investigation.

19 Q Okay. So, this is not APD case? This is a SLED
20 case that just started with you?

21 A Correct.

22 Q All right. So, could you, could you tell whether
23 he was alive or dead at that point?

24 A At that time, the victim was lying on the floor.
25 Like I said, he had apparent -- one -- at least one gunshot

DIRECT EXAMINATION OF ERVIN FORD BY MR. EVANS

1 wound to the head. From looking at it, it was blood. He
2 was lying on the ground. The body was moving. He was, he
3 was making noise, but --

4 Q You didn't have high hopes?

5 A (Nods negatively.)

6 MR. PLEXICO: Does Officer Ford need a minute?

7 THE COURT: Sir, do you need a minute, sir?

8 THE WITNESS: No, ma'am.

9 THE COURT: Okay.

10 BY MR. EVANS

11 Q After you have done the sweep and collected the
12 gun, what happened next?

13 A After, after we collected the gun, we stood by for
14 EMS to arrive. Once going back outside, I found there was
15 another person also shot outside. We advised dispatch that.
16 We had -- so, so medical can come and, and take care of all
17 that. Basically, once then, we, we secured the scene, make
18 sure nothing happened, make sure nothing on -- in the scene
19 was contaminated or, or destroyed.

20 Q Do you have any fears that anything did happen
21 along those lines, anybody do anything they shouldn't have?

22 A No, sir.

23 Q Everything went okay until SLED was there?

24 A Yes, sir.

25 Q Do you remember who you turned it over to

DIRECT EXAMINATION OF ERVIN FORD BY MR. EVANS

1 specifically?

2 A Special Agent McCallister.

3 Q Is that this lady right here to my left?

4 A Yes, sir.

5 Q All right. Captain, you mentioned another victim
6 that you discovered after, after finding the young man who,
7 you know, looked like he was gonna pass. Did you get that
8 other person's name, and can you tell us about his condition
9 when you found him?

10 A When I, when I saw him in the parking lot, he had
11 a, an injury to his face. I, I know he was shot somewhere
12 in the face.

13 Q You could tell he was shot?

14 A From, from what he was telling me, he believed he
15 had been shot. So, so, we advised that to, to the dispatch,
16 and they passed it on to the EMS personnel.

17 Q So, he was actually able to communicate a little?

18 A Yes, sir.

19 Q Where was he, you said in the parking lot?

20 A He was standing in the parking lot, in, in
21 Pinewood Park Apartments.

22 Q Okay. Not in the apartment where the other young
23 man was?

24 A No, sir.

25 Q Beg the Court's indulgence.

DIRECT EXAMINATION OF ERVIN FORD BY MR. EVANS

1 (Pause.)

2 MR. EVANS: Captain, those are all the question
3 that I have for you. Please answer any questions Mr.
4 Plexico may have for you.

5 THE COURT: Mr. Plexico.

6 MR. PLEXICO: Thank you.

7 CROSS EXAMINATION

8 BY MR. PLEXICO:

9 Q Thank you for coming today, Captain Ford. I just
10 have a few questions for you. Do you have your police
11 report with you?

12 A No, sir.

13 Q Okay. I'm gonna show you the first page of this.
14 May I approach the witness?

15 THE COURT: You may.

16 Q And this is the incident report. Is the dispatch
17 time here, 20:50 on 3/21?

18 A Yes, sir.

19 Q Okay. And the arrival time would be 21:01; is
20 that right?

21 A Yes, sir.

22 Q So, it took you 11---

23 A Let me, let me see that. Where you pointing at?

24 Q 20:50 and then the 21:01.

25 A No, the first time that you're showing me, that's

CROSS EXAMINATION OF ERVIN FORD BY MR. PLEXICO

1 the approximate time that we, that we believe the incident
2 occurred---

3 Q Okay.

4 A ---during, during that timeframe.

5 Q And y'all arrived at 21:01?

6 A The dispatch time is 21:01.

7 Q All right. So then -- so that's a difference of
8 11 minutes, correct?

9 A Yes, sir.

10 Q From 50 to 01?

11 A Yes, sir.

12 Q Then you have to have time to arrive there?

13 A Yes, sir.

14 Q Okay. And that would take from -- it was a
15 shooting incident, is that correct?

16 A Yes, sir.

17 Q And when you respond to a shooting incident, do
18 y'all stop and put on bulletproof vests or anything else?
19 What's your procedure before you go to the shooting incident
20 knowing that there's already been a shooting? What do y'all
21 do to ensure safety? Do you wait on back-up? How do y'all
22 do this?

23 A When we're dispatched to the call, we get there as
24 soon as possible.

25 Q Okay. And so it look at least 11 minutes to get

CROSS EXAMINATION OF ERVIN FORD BY MR. PLEXICO

1 there, correct?

2 A Yes, sir, those are proximate times, yes, sir.

3 Q Okay. Now, it took over 11 minutes then because
4 it was dispatch time? I mean I'm just looking at -- doing
5 math here of what y'all -- your report, your report is
6 truthful, honest, and complete, is that correct?

7 A Yes, sir.

8 Q And I can rely on that it took 11 minutes from the
9 time that it happened to the dispatch time? I can rely on
10 that because of the accuracy of your report, is that
11 correct?

12 A Yes, sir.

13 Q All right. Then it took a little bit more to get
14 there?

15 A Yes, sir.

16 Q Okay. And we're a small town. So, it didn't take
17 long?

18 A Correct.

19 Q Okay. Now, when you got there, I was -- I didn't
20 write down all of my notes accurately about the, the scene
21 at Pinewood. You said there were people running around, is
22 that correct---

23 A Upon---

24 Q ---outside?

25 A What was your---

CROSS EXAMINATION OF ERVIN FORD BY MR. PLEXICO

1 Q You said people---

2 A Continue with your question.

3 Q ---were running around outside once you arrived?

4 A Upon arriving to the parking lot, there were
5 several people in the parking lot. The people, the, you
6 know, they were, they were moving about hurriedly. Some
7 going to cars, others going into other apartments. You can
8 tell something had happened.

9 Q Okay. All right. You said there were several
10 people in the breezeway, correct?

11 A Correct.

12 Q That's in the foyer going up to that apartment?

13 A Yes, sir.

14 Q Okay. All right. So, that's actually not the
15 breezeway, but the foyer to that apartment?

16 A Yes, sir, that---

17 Q Now, the foyer leads nowhere else but to that
18 apartment, correct?

19 A Correct.

20 Q So, each downstairs apartment has its own little
21 porch, foyer, or door stoop, is that correct?

22 A I'm, I'm not---

23 Q They're all built the same kind of?

24 A Yes, the apartments are built the same, yes, sir.

25 Q Okay. But each little apartment downstairs has

CROSS EXAMINATION OF ERVIN FORD BY MR. PLEXICO

1 its own, whatever you want to call it --

2 A Yes, sir.

3 Q -- stoop, porch? That's that apartment's little
4 area, correct?

5 A Yes, sir.

6 Q And nobody else can go stand over there on their
7 porch or they can open the door and run them off?

8 A Yes, sir.

9 Q Get off of my porch, right?

10 A Yes, sir.

11 Q Of -- all right. They control it. The people who
12 live there control that -- those porches, and you would
13 expect that as a police officer?

14 A Yes, sir.

15 Q So, if I call up and said Joe's on my porch and he
16 won't leave, you'd go throw him off or put him on trespass
17 notice? Would you do that?

18 A If---

19 Q If he was on my porch at Pinewood Apartments. You
20 say you, you just want to date my daughter, and I said no,
21 you can't come over, my daughter's under age, and he
22 wouldn't leave my porch.

23 A It's---

24 Q Isn't that, isn't that their porch?

25 A What, what you're asking, I, I believe it --

CROSS EXAMINATION OF ERVIN FORD BY MR. PLEXICO

1 that's a, that's a different situation. Maybe I would
2 handle it -- you got to talk to everybody to figure out what
3 I would do.

4 Q Oh, okay. If that person was in the living room,
5 would you make them leave then?

6 A If we have two people that share an apartment, and
7 one person wants them there, it's up to the people inside---

8 Q A child. I didn't say two people. I said a
9 child.

10 A If there was an---

11 Q Would you make them leave then?

12 A If there was an adult in the apartment and
13 somebody wanted them removed from the apartment, we would
14 have them removed from the apartment.

15 Q Okay. All right. So, you injected if somebody
16 else wanted them there, is that correct? What if nobody
17 wanted them there and they were on the door stoop, would you
18 make them leave then?

19 A If the people that would stay there, yes, sir, I
20 would make them move.

21 Q Thank you. All right. Now, so you have no clue
22 what happened in those 11 plus minutes from the time the
23 incident happened until you got there? You have no idea who
24 was in that apartment, what was going on because you weren't
25 there to monitor it, correct?

CROSS EXAMINATION OF ERVIN FORD BY MR. PLEXICO

1 A Correct.

2 Q All right. And 11 minutes is a long time, right?

3 A Yes, sir.

4 Q Okay.

5 MR. PLEXICO: Court's indulgence.

6 (Pause.)

7 MR. PLEXICO: I believe that's all. Court's
8 indulgence.

9 (Pause.)

10 MR. PLEXICO: I have no -- nothing further of---

11 THE COURT: Any---

12 MR. PLEXICO: ---Captain Ford.

13 THE COURT: Any redirect?

14 MR. EVANS: Briefly, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. EVANS:

17 Q Capital, the, the 20:50, what does that mean in,
18 in plain English? What time is that really?

19 A 8:50 p.m.

20 Q 8:50 p.m.?

21 A Yes, sir.

22 Q Did you ask people if they checked their watches
23 for when this happened?

24 A No, sir.

25 Q So, is that an estimate?

REDIRECT EXAMINATION OF ERVIN FORD BY MR. EVANS

1 A That's an estimate, yes, sir.

2 Q So the 21:01, what is that in real-time?

3 A 9:01.

4 Q Okay. And that's based on when you, as an
5 officer, actually arrived there?

6 A Yes, sir.

7 Q All right.

8 MR. EVANS: That's all, Your Honor.

9 THE COURT: Any recross?

10 MR. PLEXICO: Just briefly.

11 RE-CROSS EXAMINATION

12 BY MR. PLEXICO:

13 Q Don't you get these times from dispatch?

14 A Yes, sir.

15 Q Okay. You rely on dispatch to be honest and
16 truthful. Is that not correct?

17 A Yes, sir.

18 Q Okay. You have no questions about the integrity
19 of the people who work at dispatch, is that correct?

20 A That is correct.

21 MR. PLEXICO: Thank you, sir.

22 THE COURT: Anything further?

23 MR. EVANS: No, ma'am. Thank you. Ask that he be
24 excused.

25 THE COURT: Any objection?

RECROSS EXAMINATION OF ERVIN FORD BY MR. PLEXICO

1 MR. PLEXICO: Not to Officer Ford -- not to
2 Captain Ford being excused.

3 THE COURT: Thank you. Captain Ford, you are
4 excused, sir.

5 Call your next witness.

6 MR. EVANS: John Lawson.

7 THE COURT: Come forward, sir, right here. Ms.
8 Sabb is gonna swear you in.

9 Thereupon,

10 JOHN LAWSON

11 was called as a witness, having been first duly sworn,
12 was examined and testified as follows:

13 MR. EVANS: Thank you, Your Honor.

14 DIRECT EXAMINATION

15 BY MR. EVANS:

16 Q Would you please give your name for the Court and
17 spell your last name?

18 A Yes, sir. It's John. The last name is Lawson.
19 L-A-W-S-O-N.

20 Q And, Mr. Lawson, where do you work?

21 A I'm a paramedic for Allendale County EMS.

22 Q What does that involve when you do that?

23 A Run emergency ambulance calls. Take care of sick
24 and injured patients in a pre-hospital environment.

25 Q How long have you been doing that?

DIRECT EXAMINATION OF JOHN LAWSON BY MR. EVANS

1 A 1990. Twenty -- 29 years. Actually 30 years this
2 September.

3 Q Okay. Do you remember the events of March 21st,
4 2018, that led us here today?

5 A I have a copy of my PCR here with me that you have
6 as well, and I do have recollection of the, of the incident.

7 Q What can you tell us about what happened that
8 night?

9 A We received a call from dispatch for a shooting
10 incident with the potential of multiple victims. PD was en
11 route to the call when we received the call. They gave us
12 basically a scene secure, and asked us to come into the
13 incident. When we arrived on scene, Allendale PD was there.
14 There were several officers, but I do recall having a
15 conversation with Officer Ford, and him advising that there
16 were several victims. They still weren't sure how many.
17 But it appeared, of the ones that they had located, that the
18 gentleman inside the apartment appeared to be in, in the
19 worst shape, and probably needed our care first. We came
20 into the apartment, and found the victim lying on the floor.

21 Q Was he still with us?

22 A He still had a pulse and he still had a
23 respiratory effort. He was not responsive at all to any
24 type stimulus. Didn't try to have any conversation. Was
25 not able to answer any questions. The subject was lying on

DIRECT EXAMINATION OF JOHN LAWSON BY MR. EVANS

1 the floor. It, it was obvious that -- or it appeared
2 obvious that he had a gunshot wound to the head. There was
3 minimal bleeding with a minimal amount of brain matter
4 visible. There was a secondary wound. I believe -- it was
5 to an upper arm. I believe it was the left upper arm. Of
6 course, with that being the situation and him still having
7 some respiratory effort and a pulse, we attempted, you
8 know -- started resuscitative and/or measures to sustain
9 life or attempt to sustain life for the victim.

10 Q All right. What was your expectation?

11 A The expectation, generally, when you -- when you
12 see those type injuries, worst case scenario is that the
13 victim doesn't survive. Best case scenario is that, if the
14 victim does survive, there's almost always some sort of
15 deficit or brain damage. It's -- gunshot wounds to the head
16 with exposed brain matter have typically proven to be fatal
17 from what I've seen in my career.

18 Q And what happened after you began life saving
19 procedures?

20 A The scene was rather chaotic. There were a lot of
21 people there. There were several attempts from multiple
22 people to make their way into the apartment. We had some --
23 we had a few delays with scene safety, and being able to, to
24 get out and get to the ambulance. We, we wanted to
25 immediately expedite to the ambulance, but we got held up

DIRECT EXAMINATION OF JOHN LAWSON BY MR. EVANS

1 for a few minutes. So, we continued, we continued treatment
2 inside the apartment until law enforcement was able to get
3 us a path to the ambulance. We went to the ambulance and,
4 you know, continued treatment, exited the scene, went to --
5 we called for a helicopter, went---

6 Q And why do you do that?

7 A The helicopter's called any time you have critical
8 injuries or critical illnesses that you have determined or
9 diagnosed with a patient to attempt to expedite the patient
10 to a trauma center as quickly as possible. Ground, ground
11 travel---

12 Q Is, is the Allen -- okay. I'm sorry.

13 A Ground travel time is generally to AUMC or the
14 trauma center in Augusta is an hour, hour and ten minutes.
15 Flight time is 18 to 24 minutes. So, the condition that
16 patient/victim was in, you know, we were attempting to
17 expedite him to, to surgery, and to a higher level hospital
18 so that they could, you know, hopefully save his life.

19 Q Do you know if he ever made that trip?

20 A The victim did make it onto the aircraft. Now, I
21 can't tell you whether he made it to the destination
22 facility alive, but the helicopter landed. You know,
23 their -- they jumped in. We gave them a turnover of what we
24 had done with the patient. They assisted us with some
25 pretty difficult airway procedures we were working on, and,

DIRECT EXAMINATION OF JOHN LAWSON BY MR. EVANS

1 you know, the patient was turned over to their care.

2 Q All right. You said that you were told, before
3 you got there, that there were multiple victims. Did you
4 see the other victim?

5 A I did not initially see the second victim. The
6 second victim in the incident actually presented himself.
7 We had multiple ambulances on scene.

8 Q So, other folks worked on him?

9 A And they did. The second victim presented himself
10 I mean just a few minutes after we were on scene, and some
11 other of my coworkers took care of that gentleman. To my
12 knowledge, there were -- there were those two victims, the
13 one that myself and my partner worked on, and then there was
14 another gentleman. I did not work on him, but in general
15 conversation, I believe he was shot in the mouth or shot in
16 the face, and the other ambulance actually took care of him.

17 MR. EVANS: Beg the Court's indulgence.

18 (Pause.)

19 MR. EVANS: Mr. Lawson, those are all the
20 questions that I have for you. Please answer any
21 questions that Mr. Plexico may have.

22 THE WITNESS: Okay.

23 MR. PLEXICO: I have no questions, Your Honor.

24 THE COURT: Okay. Any objection to this witness
25 being excused?

DIRECT EXAMINATION OF JOHN LAWSON BY MR. EVANS

1 MR. EVANS: None, Your Honor.

2 MR. PLEXICO: None, Your Honor.

3 THE COURT: Mr. Lawson, you are excused. Thank
4 you, sir.

5 THE WITNESS: Thank you.

6 THE COURT: Ladies and gentlemen of the jury,
7 we're gonna take a very short recess at this point.
8 I'm gonna send you back to your jury room. Let me
9 remind you, ladies and gentlemen, do not discuss this
10 case. You haven't heard all the evidence, and it would
11 not be appropriate for you-all to begin talking about
12 the case. Go back, get a cup of coffee, ladies and
13 gentlemen, we're gonna bring you back out very shortly.

14 All right. You're excused back to your jury room.

15 (Jury Exits the courtroom at 11:05 a.m.)

16 THE COURT: Okay. It's my understanding there's
17 some photographs I need to take a look at---

18 MR. EVANS: Yes. Thank you, Your Honor.

19 THE COURT: ---before this witness---

20 MR. EVANS: My next witness is going to be
21 Nicklaus Sprouse, the, the head of the -- this
22 particular crime scene unit from SLED. He took and --
23 well, people in the unit took, and he's going to
24 sponsor a number of photographs. He took about 600,
25 all of which Mr. Plexico has. I'm not going to enter

DIRECT EXAMINATION OF JOHN LAWSON BY MR. EVANS

1 600. I have about 21 of which Mr. Plexico, I think, is
2 going to want to take a look at three that have blood
3 and brain matter in them. I, I, obviously, wouldn't be
4 trying to enter them if I thought they were over the
5 line. But I do think it's appropriate for him to, at
6 least, take a look and Your Honor as well.

7 THE COURT: Can you show me the ones that he is
8 not---

9 MR. EVANS: I've just handed---

10 THE COURT: ---not objecting to?

11 MR. EVANS: ---that he's -- well, I don't know.

12 MR. PLEXICO: Could I see all of them?

13 MR. EVANS: Yes, of course.

14 MR. PLEXICO: And you can go ahead and give the---

15 THE COURT: Go ahead and give me these.

16 MR. EVANS: These are the three with brain matter,
17 and I'll also let Your Honor know, I realize this is a
18 large number of photos, and I know that, when we enter
19 them in hard copy, the jury has a tendency to study
20 them all in depth because they don't quite realize yet
21 that they're gonna have them in the jury room.

22 THE COURT: All right.

23 MR. EVANS: So, my plan was to enter them
24 physically so they have them in the jury room, publish
25 them on the screen.

DIRECT EXAMINATION OF JOHN LAWSON BY MR. EVANS

1 THE COURT: Okay.

2 MR. EVANS: And so that's also a good reason for
3 the break so Mr. Plexico can know that the same photos
4 in the file on my computer are the ones that are going
5 to be entered, hard copy, and I'll go ahead and get the
6 screen up.

7 THE COURT: Mr. Plexico, can I see those?

8 MR. PLEXICO: Yes, Your Honor. I'm so sorry.

9 THE COURT: That's okay.

10 MR. PLEXICO: I have no objections to the ones the
11 Solicitor is -- the Solicitor is bringing up now.

12 THE COURT: Okay. Give me one moment just to go
13 through them. Okay?

14 MR. PLEXICO: Yes, ma'am.

15 THE COURT: Okay. So, it's my understanding Mr.
16 Plexico does not object to State's Exhibit 1, 2, 3, 4,
17 5, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and
18 21. So, you don't object to those, correct, Mr.
19 Plexico?

20 MR. PLEXICO: I believe it's the second stack, and
21 I can't remember all of them.

22 THE COURT: It's what you just gave me?

23 MR. PLEXICO: Yes, ma'am.

24 THE COURT: Mr. Evans just gave me the two or the
25 three that you object to, is my understanding, is 8, 9,

DIRECT EXAMINATION OF JOHN LAWSON BY MR. EVANS

1 and 10. And what's your objection to these?

2 MR. PLEXICO: Your Honor, those are -- I think
3 they are unduly prejudicial, even know they're
4 relevant, they're unduly prejudicial because of the
5 obvious brain matter that's on it. Furthermore,
6 they're such a close-up, not only to provide for
7 maximum grossness, it takes them -- they make the
8 mistake of taking away the context of where it is in
9 the room. So, it's no more than a gross picture.
10 Furthermore, you can see all of that in the other
11 photographs where it's in proper context.

12 THE COURT: Okay. I'm gonna allow in -- I'm gonna
13 allow in Picture 9, Exhibit No. 9, because I think it
14 does give it a context of where it occurred in the
15 room, but I am not going to allow 8 and 10 because I
16 agree with you. It's just a close-up. You can't tell
17 where it's at.

18 MR. EVANS: Yes, ma'am.

19 THE COURT: So, I'm gonna go ahead and allow 9 to
20 come into evidence subject to Mr. Plexico's objection.
21 The other two will not.

22 MR. EVANS: Thank you.

23 THE COURT: Okay.

24 MR. EVANS: And if we could have just a moment to
25 make sure, like I said, that, that they're the same.

DIRECT EXAMINATION OF JOHN LAWSON BY MR. EVANS

1 THE COURT: Sure. And we're gonna go ahead and
2 take five minutes---

3 MR. EVANS: Okay.

4 THE COURT: ---for all of us as well. Okay.

5 MR. EVANS: Thank you, Your Honor.

6 THE COURT: Yes.

7 MR. PLEXICO: They have a, they have a video
8 presentation I'm told, and I'm---

9 MR. EVANS: No.

10 MR. PLEXICO: I want to be certain they're gonna
11 take those two that have been excluded---

12 MR. EVANS: Yes.

13 MR. PLEXICO: ---out of the video presentation.

14 MR. EVANS: It's not a video. It's just literally
15 the same digital files that I'll click through as he's
16 describing them for the jury.

17 THE COURT: Okay. Just don't publish the two that
18 I kept out.

19 MR. EVANS: Yes, ma'am, I'm about to delete them.

20 MR. PLEXICO: Okay.

21 THE COURT: Then we have another witness after
22 this witness. I just want to see if we could -- we're,
23 obviously, after this witness, that we're gonna put
24 Granger up, and you said---

25 MR. EVANS: Yes, ma'am, and he is here.

DIRECT EXAMINATION OF JOHN LAWSON BY MR. EVANS

1 THE COURT: We need to take a break before the
2 next witness after that, is that correct?

3 MR. EVANS: Yes, ma'am, and---

4 THE COURT: Okay.

5 MR. EVANS: ---you know, depending on how long he
6 goes, I don't think that it will run into lunch, but
7 you just never know.

8 THE COURT: Okay. I mean is there something we
9 need to take care of right now or do we have to break
10 after?

11 MR. EVANS: Well, I think Mr. Plexico, we could --
12 I suppose we could do the in-camera side of it, ask him
13 if he's, you know---

14 THE COURT: Well, let's just do it at the time.
15 That's fine. Let's just wait until we get there.

16 MR. EVANS: All right.

17 THE COURT: Let's just, everybody, five minutes
18 quick.

19 MR. PLEXICO: Okay.

20 THE COURT: Just refresh yourselves and come back.
21 Okay.

22 (Brief recess.)

23 MR. PLEXICO: Your Honor? Your Honor, we have an
24 additional matter that just came up that I need to
25 bring the Bench's attention with the Solicitor.

DIRECT EXAMINATION OF JOHN LAWSON BY MR. EVANS

1 THE COURT: Okay. Why don't -- we need the
2 Defendant in here.

3 MR. PLEXICO: Awesome.

4 THE COURT: Is it something you want to approach
5 first and talk to me about or---

6 MR. PLEXICO: Yes, with the Solicitor.

7 THE COURT: Both of you please.

8 (Bench conference)

9 MR. PLEXICO: I am told Sammy Chisholm, who is the
10 uncle of Tyrek Mitchell, went up to Juror 66, Austin
11 Connelly, and said this -- shook his hand, and leaned
12 over, and said, This is my man, and that means that's
13 jury tampering. And I would ask at least for -- I got
14 good --

15 THE COURT: Who? Who said that? Who said they
16 saw that?

17 MR. PLEXICO: Mr. Antron Williams.

18 THE COURT: Antwan Williams?

19 MR. PLEXICO: Antron.

20 THE COURT: Antron?

21 MR. PLEXICO: Yes.

22 THE COURT: Well, bring him on up here. A person
23 needs to testify to that under oath.

24 MR. PLEXICO: Sure. Mr. Antron Williams.

25 THE COURT: Mr. Williams, come on up, sir. Come

DIRECT EXAMINATION OF JOHN LAWSON BY MR. EVANS

1 on around.

2 THE COURT: Place your left-hand on the Bible, and
3 raise your right hand.

4 **Thereupon,**

5 ANTRON WILLIAMS

6 was called as a witness, having been first duly sworn,
7 was examined and testified as follows:

8 THE COURT: Give me your name for the record, sir.

9 THE WITNESS: Antron Williams.

10 THE COURT: Spell your first and last name for me.

11 THE WITNESS: A-N-T-R-O-N. Williams.

12 W-I-L-L-I-A-M-S.

13 THE COURT: Thank you sir. You can have a seat.

14 Sir, it's my understanding, defense attorney stated
15 that you overheard some type conversation between
16 someone and a juror.

17 THE WITNESS: Yes, ma'am.

18 THE COURT: Can you tell me what you saw occur?

19 THE WITNESS: I was sitting at the edge of the---

20 MR. PLEXICO: Can he talk into the microphone?

21 THE COURT: Yes.

22 THE WITNESS: I was sitting at the end of the
23 bench like as soon as you walk in the door. I had---

24 THE COURT: Of the courtroom?

25 THE WITNESS: Yes, ma'am.

EXAMINATION OF ANTRON WILLIAMS BY THE COURT

1 THE COURT: Okay.

2 THE WITNESS: Asked the individual can I go in
3 because this is my brother trial. He told me that I
4 couldn't, but---

5 THE COURT: What individual did you ask that?

6 THE WITNESS: You know, like how you walking
7 through this gate.

8 THE COURT: Is there someone on the other side?

9 THE WITNESS: Yes, ma'am. He say I---

10 THE COURT: Okay. It's a deputy?

11 THE WITNESS: Yes, ma'am. He say I couldn't go in
12 because they was picking the jurors. So, I had to sit
13 out. So, I sit out all day.

14 THE COURT: Okay.

15 THE WITNESS: I watched Samuel walk up to the
16 individual who I just told Plexico about, shook his
17 hand and told him that this is his nephew's case,
18 and---

19 THE COURT: Samuel who?

20 THE WITNESS: Sam, right here.

21 THE COURT: I, I don't know him. So, you need to
22 tell me his name.

23 THE WITNESS: I know him by Sam. That's all I
24 know him by.

25 THE COURT: So you know him by Sam, and he's the

EXAMINATION OF ANTRON WILLIAMS BY THE COURT

1 man that is sitting back in the courtroom on the
2 victim's side, if I am correct, wearing what appears to
3 be a -- the top is a track suit.

4 THE WITNESS: A black and white---

5 THE COURT: Okay.

6 THE WITNESS: ---Adidas outfit.

7 THE COURT: Okay.

8 THE WITNESS: I looked right at him. I didn't say
9 nothing. I walked back out, you know what I'm saying.
10 Me and the fellows that was sitting in front, we was
11 talking about it. I say I didn't know who we saw. I
12 tried to wait out for Plexico, where the guy late. I
13 didn't see him. So, I went back home. So, when I came
14 in, I waited after y'all had a break, and I went
15 straight to him, and told him what I saw.

16 THE COURT: Okay. When did you see him speak to a
17 juror?

18 THE WITNESS: When they was walking through the
19 door.

20 THE COURT: Today?

21 THE WITNESS: No, yesterday. Yesterday when they
22 was walking through the door.

23 THE COURT: When yesterday?

24 THE WITNESS: That was at, approximately, around
25 about 12:30 when the jurors were coming through. All

EXAMINATION OF ANTRON WILLIAMS BY THE COURT

1 of them were coming through at one time.

2 THE COURT: And what exactly did you see
3 Mr. Chisholm do?

4 THE WITNESS: Walk up---

5 THE COURT: Sam.

6 THE WITNESS: He walk up. As soon as he spot him,
7 he walk up and shook his hand and whispered in his ear,
8 This my nephew case.

9 THE COURT: So, he shook his hand? Who do you
10 that -- whose hand did he shake?

11 THE WITNESS: I know him, I know by face. I don't
12 know him as a person. I know when I saw his face, and
13 I---

14 THE COURT: And he is sitting on this jury, is
15 that correct?

16 THE WITNESS: Yes, ma'am.

17 THE COURT: And, my understanding, Mr. Plexico, is
18 you believe it's Juror Number?

19 THE WITNESS: He's sitting---

20 MR. PLEXICO: Yes, he's wearing a blue shirt today
21 my client says, and I don't---

22 THE WITNESS: He's sitting right there in the
23 second seat. Right there by the young -- it's a lady
24 that got on a short -- she got a haircut, and he's
25 sitting right there.

EXAMINATION OF ANTRON WILLIAMS BY THE COURT

1 THE COURT: How old is he roughly?

2 THE WITNESS: He a little young. He look about
3 around my age. Probably in his late 20s, 30s.

4 THE COURT: Okay. So, he's younger. Okay. Okay.
5 Okay. Do you want to ask any questions?

6 MR. EVANS: Yes, I do, Your Honor.

7 THE COURT: Go ahead.

8 FURTHER EXAMINATION

9 BY MR. EVANS:

10 Q Mr. Williams, you were convicted of witness
11 intimidation, tampering in 2014, is that right?

12 A Yes, ma'am. Yes, sir.

13 Q Have you talked to anybody in this case?

14 A No, sir. No, sir.

15 Q You were there on that night?

16 A No, sir. I was there that -- early that day, but
17 I left that night. I got a call just like everybody else
18 got a call. I was at the pool room shooting pool. When I
19 pull up to scene, Officer Ford was standing there. Samuel
20 was standing there. Me and him had words while everybody
21 went they different way. I was not at the scene.

22 Q And you saw what you claimed you saw yesterday?

23 A I know what I saw yesterday.

24 Q And you---

25 A I looked right at it.

EXAMINATION OF ANTRON WILLIAMS BY THE COURT

1 Q You alerted Mr. Plexico today?

2 A Yes, sir, because I didn't see him yesterday cause
3 it was late.

4 THE COURT: Elaine, please come here for a second.

5 (Off-the-record discussion held.)

6 MR. EVANS: That's all, Your Honor.

7 THE COURT: Okay. Just so we're absolutely clear,
8 Mr. Williams, this was as the jury was lined up to come
9 in and just for -- before they were even selected?

10 THE WITNESS: Yes.

11 THE COURT: Is that correct?

12 THE WITNESS: That's right.

13 THE COURT: Okay. And why didn't you tell
14 Mr. Plexico that yesterday?

15 THE WITNESS: Because I couldn't -- they say I
16 couldn't come in here. Me and him was sitting out
17 there watching all the jurors that was coming in. They
18 told me I couldn't come in. I asked could I come cause
19 this is my brother case, but the man told me I couldn't
20 come in.

21 THE COURT: Okay. All right. You can step down
22 unless anyone has more questions, and I propose I bring
23 out Juror Number 66, and ask if anyone spoke to him,
24 and I'll ask specifically if Mr. Chisholm spoke to him
25 when he was coming in. Okay.

EXAMINATION OF ANTRON WILLIAMS BY THE COURT

1 MR. PLEXICO: Yes, Your Honor. I just want to
2 make sure that, you know, you ask him specifically if,
3 if Mr. Chisholm came up to him and said this is my --
4 shook his hand and said, This is my nephew's case.

5 THE COURT: Okay. Yes. All right.

6 MR. EVANS: Just, for the record, I'm, I'm
7 concerned that that question might be a -- one where a
8 bell can't be unrung, but I'll, of course, leave it in
9 your discretion.

10 THE COURT: Why do you think that it can't be
11 unrung?

12 MR. EVANS: Because it's going to indicate clearly
13 that this gentleman in the gallery is his uncle, and
14 that there's been, you know, a suggestion---

15 THE COURT: Okay.

16 MR. EVANS: ---that this is ongoing. It's gonna
17 put the idea in his head whether it happened or not.

18 THE COURT: Okay. Let me ask you this. Why don't
19 you go ask Mr. Chisholm, Chisholm if he knows Austin
20 Connelly.

21 MR. EVANS: Okay.

22 MR. PLEXICO: Could we call Mr. Chisholm as a
23 witness?

24 THE COURT: Certainly. Come on up, Mr. Chisholm.
25 Mr. Chisholm, come on up. Place your left-hand on the

EXAMINATION OF ANTRON WILLIAMS BY THE COURT

1 Bible. Raise your right-hand.

2 Thereupon,

3 SAM PATTERSON

4 was called as a witness, having been first duly sworn,
5 was examined and testified as follows:

6 THE COURT: All right. Sir, would you -- is your
7 name Sam Chisholm, is that correct, or Samuel Chisholm?

8 THE WITNESS: Sammy Patterson.

9 THE COURT: Sammy Patterson.

10 THE WITNESS: Yes, ma'am.

11 THE COURT: Not even close.

12 THE WITNESS: Samuel Patterson is my name.

13 THE COURT: Patterson. Where do you live, sir?

14 THE WITNESS: [REDACTED] Patterson Street, Allendale.

15 Right here.

16 THE COURT: All right, sir. Sir, when you came in
17 yesterday or attempted to come in yesterday, did you
18 shake a juror's hand?

19 THE WITNESS: No. We both were sitting outside.
20 They wouldn't let neither one of us in. There's a lot
21 of people coming in. I even shook his neighbor hand
22 that coming in for the jury, some of his family
23 members. I shook they hand because I know them, and
24 also that I used to work with, a white guy, I shook his
25 hand. I ain't seen him in about two years cause that's

EXAMINATION OF SAM PATTERSON BY THE COURT

1 the last time I worked with him. He say what's up,
2 what you doing, how you doing. I said where you going.
3 He said I'm going in for the jury, but he only stand
4 here telling you that because I got someone's that's
5 coming here now, that's coming in here now, he
6 threatened the witnesses. He threatened two witnesses,
7 and we got it on phone. They called and told her.
8 She's coming here. She's coming here.

9 THE COURT: Explain---

10 THE WITNESS: This is why he say that.

11 THE COURT: Mr. Patterson, stop. My question for
12 you is, were you shaking the juror's hands as they were
13 coming in?

14 THE WITNESS: No, ma'am, I don't shake no one's
15 hands. I don't know nobody down here, ma'am, and I
16 socialize, and don't nobody know me. Half of the
17 people you trying -- he don't even know my name. I
18 hardly ever down here, and then, furthermore, I'm
19 always working. They always running around in the
20 street.

21 THE COURT: Do you understand you just said two
22 totally different things?

23 THE WITNESS: No.

24 THE COURT: You just admitted that you were
25 shaking people's hands---

EXAMINATION OF SAM PATTERSON BY THE COURT

1 THE WITNESS: No, I didn't say---

2 THE COURT: ---and then you said---

3 THE WITNESS: ---I shake people hand.

4 THE COURT: ---that you weren't.

5 THE WITNESS: I didn't, I didn't say I shake
6 people hand. I say I shook some of his people hands,
7 his family members. I know everybody down here. She
8 spoke to me and, and me and him talked. That's his
9 family member. That's not my family member. So, why
10 would I do that? What he's saying is crazy. That's
11 his family member.

12 THE COURT: You want to ask him any questions, Mr.
13 Evans?

14 FURTHER EXAMINATION

15 BY MR. EVANS:

16 Q Mr. Patterson, your driver's license says your
17 name is Chisholm, isn't that right?

18 A Samuel Patterson Chisholm.

19 Q Oh, okay. So, your last, last name is Chisholm?

20 A Patterson.

21 Q Why does your driver's license say something
22 different?

23 A Be -- I have -- my name is Patterson. Now, I got
24 both my last names on my birth certificate, but my father
25 was a Patterson, and my parents were married.

FURTHER EXAMINATION OF SAM PATTERSON BY MR. EVANS

1 Q All right. But there is information out there
2 that you go by Chisholm?

3 A They call me Chisholm cause that's all my family
4 is Chisholms down here.

5 Q I see. You said to the Judge a moment ago that
6 you shook somebody's hand who you had---

7 A A lady.

8 Q ---who you worked with in the past, right?

9 A No, I didn't shake his hand.

10 Q You said hello to him.

11 A We spoke. I shook a lady hand, which is his
12 family member. She's -- same last name as his last name.

13 Q That -- well, I'm not concerned with that. I'm
14 concerned with you speaking to potential jury members. Did
15 you speak to anybody you saw lined up to serve on jury duty?

16 A I, I spoke to a couple of them. They know me.
17 I'm sitting there. They say hi. I spoke back.

18 Q Did you tell them why you were here?

19 A No, I don't talk to nobody, sir. Any --
20 everybody -- these police officer can tell you. I don't
21 talk to nobody. Not that I think I'm better than nobody, I
22 just don't know nobody, and I ain't trying to get to know
23 nobody.

24 MR. EVANS: Okay. Judge, I'm -- I'm sorry, Judge.

25 I can't recall if he was under oath or not.

FURTHER EXAMINATION OF SAM PATTERSON BY MR. EVANS

1 THE COURT: He's under oath.

2 MR. EVANS: Okay.

3 THE COURT: He is.

4 BY MR. EVANS:

5 Q So, you understand the seriousness of what's going
6 on here?

7 A Yes, sir. Of course, I do.

8 MR. EVANS: That's all, Your Honor.

9 THE COURT: Mr. Plexico.

10 FURTHER EXAMINATION

11 BY MR. PLEXICO:

12 Q Sir, you know Mr. Connelly cause you used to work
13 with him, correct?

14 A Excuse me?

15 Q You know Mr. Connelly, the man in the blue --
16 who's wearing the blue shirt today, the white man, you know
17 him cause you---

18 A Do I know him?

19 Q ---cause you testified -- you testified you used
20 to work with him, correct?

21 A Yeah, I, I worked there -- I worked there, I
22 worked there for about maybe eight, nine months, and that
23 was -- oh, but excuse me. That was in 2015. Thank you.

24 Q So, you know him?

25 A Huh?

FURTHER EXAMINATION OF SAM PATTERSON BY MR. PLEXICO

1 Q You at least know him.

2 A No.

3 Q You admit to knowing him?

4 A No, I don't know him. I don't know him. He
5 was---

6 Q Worked with him?

7 A Nah, I never worked with him, but I worked with
8 some of his family members. He's a kid. Thank you.

9 MR. PLEXICO: I don't have anything further, Your
10 Honor.

11 THE COURT: All right. You can step down, and you
12 need to take a seat in the back and don't leave.

13 THE WITNESS: Thank you.

14 THE COURT: I propose we bring Mr. Connelly out,
15 ask him if Mr. Samuel Chisholm Patterson spoke to him
16 as he came in---

17 MR. EVANS: Yes, ma'am.

18 THE COURT: ---and if he said anything to him.

19 Okay?

20 MR. PLEXICO: And what he said.

21 THE COURT: And, obviously, he says what he said.
22 Okay. Let's bring Juror Number 66, Austin Connelly
23 out.

24 (Juror enters the courtroom.)

25 THE COURT: Mr. Connelly, how are you sir?

FURTHER EXAMINATION OF SAM PATTERSON BY MR. PLEXICO

1 THE JUROR: Good.

2 THE COURT: Good. Sir, I need you just -- I'm
3 gonna put you under oath for just one thing, and I need
4 to ask you something---

5 THE JUROR: Okay.

6 THE COURT ---in regards to when you came in
7 yesterday. If you would just raise your right-hand.
8 Thereupon,

9 AUSTIN CONNELLY

10 was called as a witness, having been first duly sworn,
11 was examined and testified as follows:

12 EXAMINATION BY THE COURT

13 THE COURT: All right. Sir, when you were coming
14 in yesterday, and everyone was filing in as potential
15 jurors, did Mr. Chisholm Patterson speak to you in any
16 way?

17 THE WITNESS: Yeah.

18 THE COURT: What did he say to you, sir?

19 THE WITNESS: He said, Try to get on the jury.

20 THE COURT: He said -- pardon? Try to get on the
21 jury?

22 THE WITNESS: (Nods affirmatively.)

23 THE COURT: Is that a yes?

24 THE WITNESS: Yes. Yes, ma'am.

25 THE COURT: And, and, and did you understand

EXAMINATION OF AUSTIN CONNELLY BY THE COURT

1 why---

2 THE WITNESS: No.

3 THE COURT: ---he wanted you to do that?

4 THE WITNESS: No, ma'am.

5 THE COURT: And how do you know him?

6 THE WITNESS: Oh, he, he used to work for us.

7 THE COURT: Okay. Where were you working at?

8 THE WITNESS: Farmer Green.

9 THE COURT: Okay. Is that a family business that
10 you have?

11 THE WITNESS: Uh huh.

12 THE COURT: That's yes?

13 THE WITNESS: Yes.

14 THE COURT: Do your parents own it, your---

15 THE WITNESS: My father.

16 THE COURT: Your father owns it?

17 All right. Any further questions?

18 MR. EVANS: If he can be fair and impartial I
19 guess.

20 MR. PLEXICO: Your Honor, I don't have any
21 questions.

22 THE COURT: Okay.

23 MR. PLEXICO: But I'd, I'd object to that
24 question.

25 THE COURT: Okay. What I'm gonna do is this, sir.

EXAMINATION OF AUSTIN CONNELLY BY THE COURT

1 I'm gonna ask you just to step back. Don't put him
2 back in the jury room yet, okay, but just have him step
3 back out for just a minute, and I'll be right back with
4 you.

5 Okay?

6 THE WITNESS: All right.

7 THE COURT: I appreciate it, sir. Thank you.

8 (Juror exits the courtroom.)

9 THE COURT: Okay.

10 MR. EVANS: Judge, I just -- my only argument
11 would be we're on sort of two parallel train tracks,
12 and now what we do with Mr. Chisholm, and what we do
13 with the juror. That's the reason I asked for the
14 extra question. But I understand Mr. Plexico's motion.

15 THE COURT: Okay. Your motion is to remove him,
16 correct?

17 MR. PLEXICO: Yes, Your Honor.

18 THE COURT: Okay. All right. I'll bring him in
19 and I'll go ahead and remove him, and I will make sure
20 someone gets him back to his car.

21 Mr. Chisholm, you're out of the courtroom for the
22 rest of the trial. I'm going to go ahead and assume
23 that there are other family members of Mr. Mitchell's
24 here, is that correct, and who are they specifically?

25 MR. EVANS: Your Honor, before he's excused---

EXAMINATION OF AUSTIN CONNELLY BY THE COURT

1 MR. PLEXICO: Your Honor?

2 MR. EVANS: Before he's excused, may we---

3 THE COURT: Mr. Chisholm, don't leave yet. Who do
4 we have here that's on behalf of the victim's family?

5 AGENT MCCALLISTER: We have his sister,
6 Ms. Latifa.

7 THE COURT: Yes.

8 And this is her friend here.

9 THE COURT: Okay.

10 MR. PLEXICO: Your Honor?

11 THE COURT: Wait.

12 AGENT MCCALLISTER: And this is Teresa. She's
13 here, here to support Latifa, the sister of
14 Mr. Mitchell.

15 THE COURT: Okay. Okay.

16 MR. EVANS: May we approach?

17 THE COURT: You may.

18 AGENT MCCALLISTER: And, Your Honor, I'm sorry.
19 We have Raheme Granger's mother here.

20 THE COURT: Thank you. I appreciate it. I
21 assumed you were a mother, yes.

22 (Off-the-record discussion held.)

23 THE COURT: Okay. All right. Before I go ahead
24 and deal with Mr. Chisholm, I want to make sure
25 everyone understands that this is what tampering is.

EXAMINATION OF AUSTIN CONNELLY BY THE COURT

1 It's a crime. I will put you in jail. We will try you
2 and you will be put in prison. I just want to make
3 sure everyone understands that.

4 Secondly, Mr. Sam Chisholm Patterson or whatever
5 your name is, sir, you are removed from the courthouse.
6 You are removed from the courthouse grounds 500 feet.
7 So, you don't come anywhere near this courthouse until
8 this trial is over. You may leave now, sir.

9 MR. PATTERSON: Okay.

10 THE COURT: Don't you dare contact anyone involved
11 in this case.

12 THE COURT: Okay. We all -- okay.

13 MR. EVANS: Yes, ma'am.

14 THE COURT: All right. I'm also gonna tell, just
15 for the victim's family members, my understanding is
16 there are gonna be some pictures that are published.
17 The screen is not facing you, which is, I think, a good
18 thing. But I want to make sure, ladies, sometime it's
19 very difficult to see a crime scene, and there might be
20 blood involved. I want to make sure that you can
21 contain yourself if those photos are somehow shown in
22 the gallery where you can see them. I just want to
23 make sure you're all okay. If, for some reason you
24 can't, I'm just gonna ask you to quietly and politely
25 just remove yourself. You're welcome to come back in

EXAMINATION OF AUSTIN CONNELLY BY THE COURT

1 after it's over, ladies. I just know that sometimes
2 it's very hard when it's a loved one involved.

3 Okay?

4 AGENT MCCALLISTER: Your Honor, Latifa is a member
5 of law enforcement, and we've, we've had that
6 conversation. I think we'll be okay.

7 THE COURT: Perfect. Okay. Thank you.

8 All right. Mr. Plexico, ready to go?

9 MR. PLEXICO: Yes, Your Honor.

10 THE BAILIFF: Excuse me, Your Honor?

11 THE COURT: Yes, sir.

12 THE BAILIFF: Do you want to see Mr. Connelly?

13 THE COURT: I need -- yes, I need to bring him
14 back out again, yes, but I'm just gonna remove him.
15 Okay?

16 (Juror enters the courtroom.)

17 THE COURT: Hi, Mr. Connelly. Sir, out of an
18 abundance of caution, I'm gonna go ahead and remove you
19 from the jury in this case.

20 THE JUROR: All right.

21 THE COURT: Just because he said that to you, that
22 was not appropriate.

23 THE JUROR: All right.

24 THE COURT: And, and I, I just want to make sure
25 that there is no prejudice to anyone in this case.

EXAMINATION OF AUSTIN CONNELLY BY THE COURT

1 THE JUROR: All right.

2 THE COURT: So, I'm gonna go ahead and release you
3 for the week, and I'm gonna make sure you get back into
4 your car, and get off safely, go back to work, or go
5 out.

6 THE JUROR: All right.

7 THE COURT: I'll also ask that you not talk about
8 this case with anyone until it's over.

9 THE JUROR: All right.

10 THE COURT: And I anticipate it's not gonna happen
11 until Thursday or so.

12 THE JUROR: All right.

13 THE COURT: If someone asks you at work, you can
14 just say, you know, I was just excused from the jury.

15 THE JUROR: All right.

16 THE COURT: Okay. And I also want to know if
17 anyone else were to contact you afterwards in regards
18 to this case, I need you to call to the Clerk of
19 Court's Office, ask for Ms. Sabb immediately, and I'll
20 come talk to you. Okay?

21 THE JUROR: All right.

22 THE COURT: I appreciate it, sir. Thank you.

23 THE JUROR: All right. Thank you.

24 THE COURT: You ready to go?

25 MR. PLEXICO: Yes, Your Honor.

EXAMINATION OF AUSTIN CONNELLY BY THE COURT

1 MR. EVANS: Yes, Your Honor.

2 THE COURT: Okay. Give me one second. Just a
3 second. So we're gonna put in the next alternate
4 obviously.

5 All right. Let's bring the jury in.

6 (Jury enters the courtroom.)

7 THE COURT: Welcome back, ladies and gentlemen of
8 the jury. Mr. Graham, raise your hand. Graham, is
9 that you, sir?

10 All right. Sir, I had to excuse another juror.
11 So, you are officially on this jury now.

12 All right. So, just to let you know. I
13 appreciate it, sir.

14 THE JUROR: Yes, ma'am.

15 THE COURT: Okay. All right. Let's go ahead and
16 call your next witness.

17 MR. EVANS: Thank you, Your Honor. The State
18 calls Nicklaus Sprouse.

19 THE COURT: Come on up here, sir. Thank you.

20 Thereupon,

21 NICKLAUS SPROUSE

22 was called as a witness, having been first duly sworn,
23 was examined and testified as follows:

24 DIRECT EXAMINATION

25

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 BY MR. EVANS:

2 Q Thank you, Your Honor. Mr. Sprouse, could you
3 identify yourself for the record and spell your last name.

4 A Yes, sir, I'm Special Agent Sprouse. Nicklaus,
5 first name, N-I-C-K-L-A-U-S. Last name Sprouse.
6 S-P-R-O-U-S-E.

7 Q And where do you work, sir?

8 A I work with the South Carolina Law Enforcement
9 Division.

10 Q What do we call that normally?

11 A SLED.

12 Q Okay. What do you do for SLED?

13 A I am a crime scene agent.

14 Q And what's that involve? Tell us about your job.

15 A Working, investigating, processing crime scenes
16 forensically while at the scene, and also doing
17 post-reconstruction for crime scenes.

18 Q Do you do this in a small area or where do you go?

19 A My unit travels the entire state.

20 Q The whole state?

21 A The entire state.

22 Q And did you have an occasion, in March of 2018, to
23 come here to Allendale?

24 A Yes, sir, I did.

25 Q Can you tell us about that?

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 A We, we responded to a shooting in Allendale. Once
2 we were on scene, we were notified that two subjects had
3 been shot, and had been taken to the hospital. And, at that
4 point in time when I arrived on scene, they were both alive
5 from what -- the information that I had received, and that
6 the suspected shooter was gone from the scene. They didn't
7 have a suspect at that time.

8 Q Did you see the actual victims?

9 A No, sir.

10 Q Oh, they were already---

11 A Yes, sir.

12 Q ---gone?

13 A They were, they were already transported by the
14 time crime scene got there.

15 Q So then what do you do when you get to a scene,
16 and you, you get that information? What's your process?

17 A We, we find out the pertinent areas that we need
18 to be focusing at. So, in, in this case, which would of
19 been an apartment and the surrounding area. We begin to
20 document it with photographs, written documentation, and
21 start kind of gathering a sense of what we're seeing at the
22 scene.

23 Q Okay. Backing up a little bit --

24 A Yes, sir.

25 Q -- I know you're not a local, but did you know

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 what city and county you were in?

2 A I knew what county I was in. We, we travel the
3 state often.

4 Q All right. So, you've been to Allendale before?

5 A Yes. Yes, sir.

6 Q This was Allendale?

7 A Yes, sir.

8 Q All right. What did you, what did you find as you
9 walked around the scene?

10 A Initially, in the parking lot area, in the
11 sidewalk area, we found blood on the ground. I noticed a
12 cell phone that was just in front of the front door of the
13 apartment complex. It looked like it was busted. It had
14 been dropped. That's what we initially seen, and then,
15 obviously, when we walk into the apartment, which was small,
16 the apartment entered into -- I, I would -- guess you would
17 call it a living area or a living room with multiple
18 couches, and on the floor in front of a couch, we saw -- I
19 saw a saturated bloodstain there along with medical debris
20 from EMS being there.

21 Q What, what, if anything, did that bloodstain mean
22 to you?

23 A As a BPA analyst, which is a bloodstain pattern
24 analyst, it tells me that somebody -- there was a blood
25 letting incident that occurred on that area or on that rug

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 for a period of time. That's the only way you can get a
2 saturation stain to be created is that there has to be a
3 blood letting incident for a period of time in the same
4 spot.

5 Q Did you find any other blood in that area?

6 A Yes, sir, I did.

7 Q Could you, could you explain that?

8 A Yes, sir, there's a couch that, if you immediately
9 walk into the living room, it's dead ahead on you. There's
10 wooden panels that are on the side of the arm, and there was
11 one small elliptical bloodstain that was on that with a
12 directionality of going down towards the floor.

13 Q Did you treat the two in different ways?

14 A Well, yes, sir. From the information that we had
15 gathered on the scene, the saturation was a known quantity.
16 From what we were told that the victim was lying there. So,
17 we knew what caused that stain, but this particular stain
18 was different from a saturation stain. Something had to
19 cause this by blood motioned in the air. So, yes, sir, it
20 was treated differently than the saturation stain.

21 Q So, the one on the floor you're -- you knew. The
22 one on the couch you were curious about?

23 A Yes, sir, the, the one on the floor was easily
24 explained. We -- that, that was easily explained, but the
25 elliptical stain has to be made a certain way, and it's not

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 the same way it's created for the saturation stain.

2 Q Did you find anything outside?

3 A Well, we found blood, blood on the asphalt and in
4 then -- on the sidewalk and on the asphalt of the
5 driveway -- I mean. I'm sorry. The parking lot. And it
6 was sporadic, but it was almost like in a trail per se.

7 Q Did that -- the blood you found outside, did that
8 appear significant to you in any way? You said it was a
9 trail, but was there any---

10 A Well, yes. It would be significant to the scene
11 as far as the shooting was concerned. Obviously we have a
12 blood letting incident that we know occurred inside the
13 apartment, and, through proximity, you have blood from that
14 apartment to the driveway or the, I'm sorry, the parking lot
15 area. So, yes, I mean it was, it was significant for us in
16 our investigation.

17 Q Did you find anything else significant on scene?

18 A As far as it being forensically, the blood was
19 needed for us, and that's really it as far as forensics was
20 concerned for us.

21 Q How about any items? Did you take any items with
22 you when you left?

23 A There were items taken. There were cell phones
24 directly taken by our regional agents.

25 Q And how about a firearm?

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 A We did. We did -- once on scene initially, a
2 Allendale PD, I believe it's PD, I don't believe it was
3 Sheriff's Office, I believe it was PD, transferred a firearm
4 to me on scene directly that was already bagged up.

5 Q Okay. So, you didn't see that as it was
6 discovered?

7 A No, sir, I -- in sit -- I have no idea where it --
8 I, I just transferred the item.

9 Q Did you find any other evidence that a gun was
10 used, any shell casings?

11 A No, sir. No, sir, on scene. On scene, there was
12 no cartridge cases inside the apartment or on the ground.
13 None outside in the parking lot or the ground.

14 Q One you observed the scene, and started taking it
15 in, what do you do? How do you document these findings?

16 A Well, we, we would document typically like anybody
17 would. We would take a rough sketch. We would look and see
18 what we were looking at, draw a picture of the exterior of
19 the apartment, the drive -- the parking lot with the lines
20 and the cars, and we would put things in place as well. We
21 would do the same thing within the apartment. We would go
22 and we would look at room to room, closets, any kind of
23 furniture items that were pertinent to the scene, and we
24 would add those in, and then we would do a rough sketch
25 before we made a clean sketch is what we call it.

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 Q How about photographs?

2 A Photographs, we photograph everything that where
3 we search, touch around, or anything that we find pertinent
4 to the investigation.

5 Q Did you take the photographs in this case?

6 A My partner took it.

7 Q But you observed all the areas that were
8 photographed?

9 A It was under my direction.

10 MR. EVANS: All right. May I approach, Your
11 Honor?

12 THE COURT: You may.

13 BY MR. EVANS:

14 Q Special Agent, I'm gonna pass you a stack of
15 photographs, and I'm gonna ask if you could go through
16 those. They are premarked on the back, and if you could---

17 A Refer to them---

18 Q Just briefly---

19 A ---by State---

20 Q ---describe what they are, and refer to the
21 pre-markings?

22 A You want me to describe every one of them or you
23 gonna refer to --

24 Q We're going to go through them again once they're
25 in, but it's -- so, let's just -- brief description, I

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 guess.

2 A Okay. All right. The first picture, State's
3 Exhibit 1, it's gonna be the exterior of the apartment
4 complex. State's Exhibit 2 will be a further distance shot
5 incorporating all of the Building [REDACTED] of the apartment
6 complex. State's Exhibit 3 will be the sidewalk entrance
7 into the apartment. I believe it was [REDACTED] was the
8 apartment. State's Exhibit 4 will be an away shot meaning
9 away from the front door towards the parking lot of
10 Apartment [REDACTED]. State's Exhibit 5 will be a photograph from
11 outside in at the main door of [REDACTED], and it shows medical
12 debris and furniture moved around.

13 State's Exhibit 6 is a interior shot of the
14 living room area again showing EMT debris as well as blood
15 staining on the carpet. State's Exhibit 7, another shot
16 interior of the living room showing the back part of the
17 main front door of [REDACTED] as well as medical debris. Exhibit
18 9, also the interior focusing in on the saturated stain area
19 near the couch.

20 State's Exhibit 11 will be a scaled and
21 upclose photograph of Marker A, which would be the
22 elliptical style bloodstain on the couch, the wooden part of
23 the couch. State's Exhibit 12 is a midrange photograph of
24 Marker B indicating a suspected bloodstain in the area of
25 the exterior of [REDACTED], and a bush directly in front of it.

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 State's Exhibit 13 will be a upclose picture of Marker B
2 indicating suspected blood staining on the ground. State's
3 Exhibit 14 is a midrange shot of Marker C with suspected
4 blood staining on the sidewalk. State's Exhibit 15 will,
5 again, be of Marker C with an upclose field frame of
6 suspected blood.

7 State's Exhibit 16 will be a long range shot
8 of Marker D in-between a white Lincoln and I believe a white
9 colored Toyota also in front of Apartment [REDACTED]. Exhibit 17
10 is a upclose picture of Marker D of suspected blood on the
11 parking lot. State's Exhibit 18 will be a long range shot
12 encompassing Marker E and Marker F of suspected blood
13 staining on the parking lot surface. Exhibit 19 will be a
14 closeup of Marker E with suspected blood staning on the
15 parking lot surface.

16 State's Exhibit 20 will be a mid range shot
17 of a Dodge vehicle and Marker F. Marker F is denoting
18 suspected blood staining on the asphalt as well. And
19 State's Exhibit 21 will be a closeup of Marker F with
20 suspected blood staning on the surface of the parking lot.

21 Q Special Agent, I, I appreciate you going through
22 all of those. I realize it's a lot of photos, but do these
23 fairly and accurately depict the way the scene looked the
24 night you were there, March 21st, 2018?

25 A Yes, sir.

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 MR. EVANS: Your Honor, State would move these
2 photos into evidence as State's 1 through 7, and 9, 11
3 through 21?

4 MR. PLEXICO: Renew my objection to Exhibit 9.

5 THE COURT: Thank you. Then, for the record,
6 those are all in evidence.

7 MR. EVANS: Thank you, Your Honor.

8 *(Whereupon, State's Exhibit No(s). 1-7, 9, 11-21*
9 *marked for identification and received in evidence.)*

10 MR. EVANS: And may we publish as we talked about
11 earlier using the screen?

12 THE COURT: You may.

13 BY MR. EVANS:

14 Q Special Agent, what I'm gonna, Sprouse, what I'm
15 gonna do is put those same photographs on the screen here
16 for the jury to see.

17 A Yes, sir.

18 Q And I'll go in order, and I'd like you to, to walk
19 through now with a little bit more detail---

20 A Okay.

21 Q ---about what each one depicts. Okay. We have
22 State's, I believe, No. 1. So, if you could just start
23 there?

24 A Yes, sir, that's gonna---

25 MR. PLEXICO: May I, may I stand in the back---

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 THE COURT: You may.

2 MR. PLEXICO: ---Your Honor?

3 THE COURT: You may.

4 A Exhibit -- State's Exhibit 1 is gonna be an
5 exterior photograph midrange of, of Apartment Complex
6 Building ■

7 Q Okay. And, and No. 2?

8 A That's gonna be a long range picture encompassing
9 Building, Building ■ with vehicles, predominantly the Dodge
10 sedan, to the mid-right of the photograph forefront.

11 Q Is there anything significant near that Dodge that
12 we will see later?

13 A No, sir, what we were trying to accomplish there
14 was just to take a picture of the scene, which we had to do
15 a technique called painting with light because the scene was
16 extremely dark. If we would of taken that photograph just
17 with the camera's flash, we probably would of gotten to
18 maybe the parking lot, and everything else would of been
19 dark behind it. So, we had to use a technique to enhance
20 the light.

21 Q Does this cover most of the outside scene?
22 Obviously we have indoors as well, but --

23 A Yeah, as far as the outdoor area, yes, sir, it is
24 a long range view of it.

25 Q And No 3?

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 A Three is the sidewalk entrance way into Apartment
2 [REDACTED] So, if you follow that sidewalk and go to that chair
3 and make a left, that would be the main door, and the only
4 door in that area.

5 Q Was the tape up when you got there or was that
6 something that you did?

7 A No, sir. No, sir, that was already cordoned off
8 before we got there.

9 Q All right. How about four, opposite view?

10 A Yes, simply.

11 Q And Exhibit 5, what do we see here?

12 A Yes, sir, that, that is a overall picture of the
13 entry of Apartment [REDACTED]. As you can see, there's medical
14 debris in the middle of the photograph. Top of the
15 photograph, you can see a chair that has been canted as well
16 as a coffee table that has been canted.

17 Q What does that mean?

18 A It just means it's been moved. That, that's gonna
19 be the normal orientation of how furniture would---

20 Q Appears irregular?

21 A Yes, sir, it -- yes, sir, out of sorts.

22 Q No. 6.

23 A This is, once we have stepped inside of the living
24 room, this is just, again, the overall photograph of the
25 living room from the front door back towards the hallway

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 area.

2 Q Was this taken with the door being closed or, or
3 at least all the way opened, and is this right in the door?

4 A I believe we did, just for logistical purposes.

5 Q Okay. No. 7, it's looking back the other way?

6 A This would be where we had stood to take the
7 previous photograph. So, this, this photograph is standing
8 near the, near the couch facing towards the main entrance.
9 Obviously, again, lower left-hand, you have medical debris
10 and suspected blood staining.

11 Q All right. And No. 9.

12 A No. 9 is just the opposite direction, but more
13 focus down on the ground towards the medical debris and the
14 saturated blood staining.

15 Q The saturated stain you referred to earlier?

16 A Yes, sir, it's just in the middle of, of that
17 couch on the floor.

18 Q Appeared obviously to be from the victim?

19 A From what we, from what we were told, the, the
20 victim was on the ground when EMTs were giving medical
21 treatment.

22 Q No. 11.

23 A This is the scaled and upclose photograph of a
24 suspected bloodstain, the elliptical bloodstain. I know
25 it's kind of hard to see in here with the flash the way it

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 is, but just shy of the, the tape that's running
2 perpendicular, I'm sorry, parallel with the wood, it's just
3 to the right of the 28 indentation.

4 Q And the tape was put on by you, correct?

5 A Yes, sir.

6 Q They wouldn't have to have that just marking of
7 the bloodstain that happened to be in their home?

8 A No. No, sir, that, that would be crime scene.

9 Q What does it say on the, on the far right of the
10 lower piece of tape?

11 A It's -- it says A and that's just indicating
12 Marker A. Anything that you see is common nomenclature is
13 just -- up is for up to give you orientation, and the door
14 is pointing to the main door just to give the viewer
15 orientation.

16 Q Okay. No. 12. Back outside.

17 A Yes, sir. The sidewalk leading into Apartment
18 [REDACTED] is going to be what you see on the bottom. To the left
19 is the cell phone that I alluded to earlier that I noticed
20 on the ground when we did our initial walk-through.

21 In-between that, that brick there and the bush, you see
22 Marker B lying on the ground at a suspected bloodstain area.

23 Q Okay. And then No. 13. Also marker B, right?

24 A Also Marker B, but a upclose photograph of Marker
25 B showing what we were looking at because it was kind of

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 dark in that one. So, the closer we got, you could see it
2 was suspected blood staining.

3 Q Okay. No. 14.

4 A This is Marker C and I believe this is on the
5 sidewalk, and it is marking suspected blood staining on the
6 exterior of the apartment.

7 Q No. 15, a closeup of the same?

8 A Yes, sir, of the same.

9 Q What, if anything, is significant to you about
10 that pattern we see?

11 A This path -- this pattern is considered a splash
12 style bloodstain pattern. I've seen it on several scenes.
13 It is indicative of blood being spit from the mouth. This
14 is not of a wound per se as if you have an artery or you
15 have some sort of spurt that is going on or just a drip.
16 Those are very specific staining, and this is indicative of
17 blood being spit from the mouth.

18 Q Okay. No. 16.

19 A This is a mid range shot I would say, it looks mid
20 range, of Marker D that is in-between two white vehicles,
21 and, if you look directly beyond that, that would be the
22 entrance to Apartment [REDACTED] to kind of---

23 Q You can see the chair and the---

24 A Yes, sir, to orient yourself in the picture.
25 That's -- it's, it's a head-on shot.

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 Q But it's just -- the flash is focused on?

2 A Yes, sir.

3 Q Okay. No. 17, a closeup of the same?

4 A Yes, sir, that would be a closeup of Marker D to
5 give you an idea of how we were looking at in the midrange
6 photograph.

7 Q Is this another one of those flash patterns?

8 A Yes, sir, it, it -- it's, it's another one. It's
9 not indicative of a drip or a drip trail.

10 Q No. 18.

11 A This is a long range photograph of the parking lot
12 showing Marker E in the foreground, and the Marker F in the
13 rear just to the right of the Dodge vehicle.

14 Q All right. So, you have two markers in this one?

15 A Yes, sir.

16 Q That's the Dodge that we looked at earlier in I
17 think it was No. 2?

18 A Yes, sir, it, it's the same vehicle. It doesn't
19 move.

20 Q And No. E. Excuse me. No. 19.

21 A Nineteen. Okay.

22 Q It's Marker E, closeup.

23 A Yes, sir, it's a closeup of Marker E, a suspected
24 blood staining.

25 Q Is this pattern different from the others?

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 A It is only due to the substrate that it's on. The
2 substrate being the asphalt or the ground, it's more bumpy.
3 You see that you have more indentations, more ridges. So,
4 the blood reacts a little bit differently to a substrate as
5 opposed to the smoother blood staining that you see on the
6 sidewalk. Is it the same? It looks indicative of it, but
7 it does react differently due to the substrate that it's on.

8 Q No. 20.

9 A Just a midrange photograph of the Dodge, the gray
10 Dodge vehicle, and a side-view of Marker F of suspected
11 blood staining.

12 Q And last one, No. 21, a close up of Marker F.

13 A Yes, sir, and, again, it's indicative of a spit
14 style gush pattern, but the substrate does kind of throw it
15 off a little bit.

16 Q All right.

17 MR. EVANS: Beg the Court's indulgence.

18 (Pause.)

19 MR. EVANS: May I approach?

20 THE COURT: You may.

21 Q Special Agent, Special Agent Sprouse, I want to
22 pass you two more piece of paper. I want to retrieve the
23 photographs, which are in evidence. Can you tell me what
24 those two pieces of paper are? I think they're premarked
25 State's 22 and 23.

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 A Twenty-two and 23. Yes, sir, this is Page 1 and 2
2 of my over -- my finalized crime scene sketch.

3 Q That's what you told us about earlier. You
4 generally make a -- sort of a picture of, of everything?

5 A Yes, sir, the first one will be hand drawn,
6 obviously, on scene, and then the second one is this that we
7 make once we're in our office.

8 Q And that's created by you?

9 A Yes, sir.

10 Q All right. This is the same as you created two
11 years ago?

12 A Yes, sir.

13 MR. EVANS: Your Honor, the State would move 22
14 and 23 into evidence.

15 MR. PLEXICO: I have no objection.

16 THE COURT: Without objection, they are in
17 evidence.

18 *(Whereupon, State's Exhibit No(s). 22-23 marked*
19 *for identification and received in evidence.)*

20 MR. EVANS: Could he -- I don't have these blown
21 up, Judge? Could he step down?

22 THE COURT: You may step down and get closer to
23 the jury. You're welcome to step down, sir.

24 Q Special Agent, I don't know if you've testified in
25 this courtroom before, but now that you're away from the

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 microphone, I ask you to speak---

2 A Speak loud.

3 Q ---way up.

4 A I will.

5 Q But just go through 22 and 23, and give the jury a
6 little description of, of what they show.

7 A Okay. So what we do is pretty much just
8 reconstruct what we're looking at on the, the parking lot
9 out here. We even do the lines, put the vehicles that were
10 involved, well, not involved, but were on the scene at the
11 time just so you can orient yourself, and not have to go
12 through all the photos like we just did. So, if you're
13 looking at a package, you can just refer to it rather
14 quickly.

15 MR. PLEXICO: May I stand---

16 THE COURT: Yes.

17 MR. PLEXICO: ---so I can sort of see what he's
18 doing?

19 MR. EVANS: And just back up slightly so we can
20 all see.

21 A So, we just orient everybody here. This is gonna
22 be the gray Dodge that we kept referring to, and this is
23 your markers, and I believe the markers are in color. This
24 one appears to be in black and white.

25 Q Okay.

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 A I'm, I'm pretty sure that it had a yellow marker.
2 So, this orients you and shows you you got your, you got
3 your sidewalk here, and then you got your entrance leading
4 into Apartment [REDACTED]. On the second page, it's gonna show
5 you the overall of Apartment [REDACTED]. The reason why you see
6 these such as this, there was no evidence collected. There
7 was no kind of forensic or intrinsic value for us nor did we
8 collect any evidence from the said room. So, if you go in
9 here and you put every nightstand, every pair of shoes,
10 every couch, would just be tedious, and it would clutter the
11 case. However, this area here is where we focused on. The
12 marker here, since Marker A was so tiny, you're not gonna
13 put a big red glob right here. So you put a, put a marker
14 here to show -- to in -- indicate Marker A. Over here will
15 be your legend that just tells you the suspected on the
16 elliptical blood staining. So, this is your overall bird's
17 eye view of the apartment, and the way it was laid out.

18 Q Do you have the saturated stain marked on there?

19 A No.

20 Q And why is that?

21 A We, we did not collect anything from the saturated
22 stain because given its quantity from EMS. They said that
23 the victim was laying there. That's where his head was. It
24 was assumed that that is the victim's DNA. However, with
25 this one bloodstain, we were under the impression or we were

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 told that pretty much the victim stayed there. So, there
2 wasn't any movement from what we were, we were given. So,
3 this bloodstain here I did BPA analysis, analysis. It, it,
4 it raises the question how it was created, and the only way
5 that those ellipticals can, it has to be some sort motion or
6 impact that causes. Therefore, I, I focused in on that one
7 point.

8 Q Okay. And you can return to the stand, and I'll
9 take those, sir. They are in evidence. Thank you. All
10 right. Earlier before -- before I go through and do that,
11 since we put in the photos, and you mentioned a gun that was
12 turned over to you by APD?

13 A Yes, sir.

14 Q Okay. And you said that you took that back with
15 you to Columbia?

16 A Yes, sir, that night.

17 Q All right.

18 MR. EVANS: May I approach, Your Honor?

19 THE COURT: You may.

20 Q Special Agent, I'm going to pass you this, and ask
21 you if you can identify the contents in there.

22 A Yes, sir, it appears to be the, the similar
23 firearm that I received that night on scene.

24 Q Okay. How can you tell that?

25 A Well, I did my initials on a bunch of things that

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 I actually put evidence in. So, I know for a fact that that
2 was me that put this evidence in. But, that night, once we
3 received it, we did photograph it on scene as it was, and I
4 also document it with my, my notes, my field notes, and as
5 my final draft notes. And it's pretty significant because
6 it was a revolver with I believe it was .22 rounds
7 cartridges with a electrical tape handle. So---

8 Q You---

9 A ---it was kind of significant.

10 Q Sorry. When you received it, was it loaded?

11 A I can't recall if it was. I'd have to look back
12 at the pictures because, once it was given to me, it was
13 given to me in a bag.

14 Q I see. There were other contents in that box as
15 well, right?

16 A Yes, sir, there were loose rounds also in that bag
17 as well.

18 Q Those are in the box that's in front of you right
19 now?

20 A Yes, sir, they're sitting right here.

21 Q And are they marked with your initials as well?

22 A Not the individual -- we don't mark all of them,
23 but that coin envelope that contained them, yes, sir. It
24 does have my initials with the date and time.

25 Q How about there's, there's a little device around

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 the gun.

2 A Yes, sir.

3 Q What is that?

4 A Apparently it's a gun lock. I don't recall that
5 that night.

6 Q Does it appear to be secured?

7 A Yes, sir, the firearm should not be able to be
8 fired with it in place.

9 Q In the courtroom?

10 A Yes, sir.

11 Q All right.

12 MR. EVANS: Your Honor, the State would move the,
13 the firearm itself into evidence as State's Exhibit 24.

14 THE COURT: Any objection?

15 MR. PLEXICO: It would be Exhibit 24?

16 THE COURT: Uh-huh.

17 MR. PLEXICO: I have no objection.

18 THE COURT: Without objection, it's in evidence.

19 *(Whereupon, State's Exhibit No(s). 24 marked for*
20 *identification and received in evidence.)*

21 MR. EVANS: And the contents of the, the plastic
22 bag in as 25.

23 MR. PLEXICO: That would be -- no objection.

24 A You -- I think you have two plastic bags in there.

25 Q Oh, I'm sorry.

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 A You have one with unfired cartridges, and you have
2 one with fired cartridge cases. So, it's two, two bags
3 just---

4 Q Okay.

5 A ---for the record.

6 Q Both with your initials on it?

7 A Yes, sir.

8 Q Okay. So, 25 has the fired, and 26 has the
9 unfired.

10 MR. PLEXICO: Are they all labeled that way or 25
11 simply two bags? Whatever is easiest.

12 THE WITNESS: I did note---

13 THE COURT: It's just -- yeah, just let her just
14 identify it. Let -- okay. That's fine. I think that
15 we need to do stickers on them. You want to hand it to
16 her so she can put---

17 MR. EVANS: Yes, ma'am.

18 THE COURT: ---stickers on them?

19 *(Whereupon, State's Exhibit No(s). 25-26 marked*
20 *for identification and received in evidence.)*

21 BY MR. EVANS:

22 Q Special Agent Sprouse, turn back to the blood.
23 What did you do after you photographed it, if anything?

24 A We swabbed each, each section.

25 Q What does that mean?

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 A That's just to take that particular section of
2 blood, and swab it for DNA so we can take it back and have
3 our analysts at the lab---

4 Q So, you're gonna collect some of it and take it to
5 Columbia?

6 A Yes, sir, with, with swabs. So, what we would do
7 is we would collect it with swabs and then put it in that---

8 Q Okay. I think you said earlier you did not swab
9 the saturated stain, is that right?

10 A No, sir.

11 Q But all the others that had letters on them from
12 those photos?

13 A Yes, sir.

14 Q Okay.

15 MR. EVANS: May I approach, Your Honor?

16 THE COURT: You may.

17 Q Special Agent, I'll hand you two plastic bags, and
18 ask if you can identify those?

19 A Yes, sir.

20 Q What are those?

21 A This bag here is a, is a swab from Marker E, and
22 it has not been opened since I sealed it due to my initials,
23 and my -- and the date here, this seal hasn't been broken.
24 So, that was from Marker E.

25 Q Okay.

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 A This has been opened and I'm assuming it's by DNA
2 looking at the initials and the names on it, and it has the
3 other markers that we swabbed, but these little plastic
4 things here, I think that was from DNA cause that was not---

5 Q Okay.

6 A ---not from me. But the rest of them have my
7 initials on them. So---

8 Q The little brown envelopes, is that---

9 A The, the coin envelopes have my initials, date,
10 and time on those, yes, sir.

11 Q Okay. Why are there two separate bags?

12 A These were for logistic purposes honestly. These,
13 these were going to DNA, and this one we were going to not
14 send to DNA. We have so many samples we can send to DNA,
15 and given this one would of been over the amount they
16 typically want to take for a case initially cause we can go
17 back and resubmit. But due to proximity and continuity,
18 just meaning it was within that trail, it was assumed that
19 that was more likely gonna be the same marker there. So,
20 there was -- it was kind of frivolous to include that one
21 into the batch, into the batch---

22 Q So---

23 A ---that we wanted to get.

24 Q A, B, C, D, and F were submitted?

25 A Yes, sir.

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 Q And E, the last one in the trail before the Dodge,
2 was not?

3 A Yes, sir.

4 Q That's why they're in two---

5 A Yes, sir.

6 Q ---separate bags? Your Honor, the State would
7 move the contents of the bag marked E, the unbroken, into
8 evidence at this time as State's Exhibit 27.

9 MR. PLEXICO: I would object to the relevance
10 since it was never tested, Your Honor.

11 MR. EVANS: Well, it's --.

12 THE COURT: Okay. Subject to your objection, it's
13 in evidence.

14 *(Whereupon, State's Exhibit No(s). 27 marked for*
15 *identification and received in evidence.)*

16 MR. EVANS: Thank you. And we'll work on this
17 rest later. Your Honor, those are all the questions
18 that I have for Special Agent Sprouse. If you could
19 answer any question Mr. Plexico may have.

20 CROSS EXAMINATION

21 BY MR. PLEXICO:

22 Q Thanks for coming today, sir.

23 A Yes, sir.

24 Q Your report, it's about 40 pages long, is that
25 right?

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 A I don't know if my report's 40 pages long, but I
2 think, once everything was added from other departments, it
3 must of been.

4 Q Okay. And this is what y'all for the crime scene
5 unit submits---

6 A Yes, sir.

7 Q ---back?

8 A Yes, sir.

9 Q Okay. All right. And in yours, this -- all
10 right. I'm looking in your report, and I see where you said
11 that there was, on Page 5, it says a silver in color black
12 electrical tape around grip. All right. Twenty-two
13 caliber.

14 A Yes, sir.

15 Q All right. Now, where's that gun at---

16 A That---

17 Q ---silver?

18 A That would be the firearm that I was describing.

19 Q You're saying that this firearm is silver?

20 A Well, from my pictures, yes, sir, that's the way
21 it looked at night.

22 Q All right. Has it changed any since then?

23 A Once it's out of my possession, sir, I could not
24 tell you what processes were used that may have changed the
25 color or the metallic purposes of the firearm. So, I cannot

DIRECT EXAMINATION OF NICKLAUS SPROUSE BY MR. EVANS

1 attest to that.

2 Q But there was, wasn't another gun?

3 A That, that was the only gun that was given to me.

4 Q Did you review the entire crime scene report
5 before you came here today?

6 A My report. I, I reviewed my report.

7 Q Okay. Did you re -- did you review the toxicology
8 report for Tyrek Mitchell?

9 A No, sir, I'm not an expert in toxicology.

10 Q And did you even read it?

11 A I do not read them.

12 MR. PLEXICO: Okay. All right. I don't have
13 anything further of this witness.

14 MR. EVANS: I ask that he be excused.

15 THE COURT: All right. Any objection to him being
16 excused?

17 MR. PLEXICO: No, Your Honor.

18 THE COURT: Special Agent, you're excused. Thank
19 you, sir. All right. Can we take one more witness
20 before lunch?

21 MR. EVANS: Yes, ma'am, I think one more will be
22 good.

23 THE COURT: Okay.

24 MR. EVANS: Raheme Granger.

25 THE COURT: All right. Come right up here, sir.

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 Thereupon,

2 RAHEME GRANGER

3 was called as a witness, having been first duly sworn,

4 was examined and testified as follows:

5 THE COURT: Mr. Evans.

6 MR. EVANS: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MR. EVANS:

9 Q Could you please identify yourself for the record,
10 and spell your last name, sir?

11 A Raheme Granger. G-R-A-N-G-E-R.

12 Q And where are you from, sir?

13 A New York.

14 Q What part?

15 A East New York. Brooklyn.

16 Q Brooklyn, the city?

17 A Yeah.

18 Q And how old are you, sir?

19 A Thirty-eight.

20 Q Do you have any connections to this area? It's a
21 way from home for you.

22 A Only my family.

23 Q You have some family here?

24 A Yeah.

25 Q Were you here on March 21st, 2018?

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 A Yes, I was.

2 Q Do you remember the events of that night?

3 A Yes, I do.

4 Q What can you tell us about that night, or actually
5 can you tell us how you came to be here?

6 A I -- vacation. I came on a vacation to visit my
7 mother.

8 Q When did you come down?

9 A February 28th---

10 Q So, about---

11 A ---2018.

12 Q That's the last day of February.

13 A Yeah.

14 Q So, about three weeks earlier?

15 A Yeah.

16 Q How did you get here?

17 A Amtrak.

18 Q So, a train?

19 A Yeah.

20 THE COURT: Sir, I'm gonna ask you to say either
21 yes or no. She's taking down everything you say, and
22 it's hard to get a yeah or an uh-huh.

23 THE WITNESS: All right.

24 THE COURT: Okay?

25 THE WITNESS: Yes.

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 THE COURT: Thank you, sir.

2 THE WITNESS: No problem.

3 BY MR. EVANS:

4 Q So, you took an Amtrak train down?

5 A Yes.

6 Q About how long does that trip take?

7 A About 13 hours.

8 Q So, it's a pretty long way?

9 A Yeah.

10 Q So you---

11 A Yes.

12 Q Yes. Did you bring anything with you to entertain
13 yourself?

14 A Like?

15 Q Did you---

16 A Did I bring anything with me?

17 Q Yeah. What did you do while you were on that
18 train?

19 A Listen to music, watch movies.

20 Q What did you watch the movies on?

21 A Oh, my tablet.

22 Q What kind of -- like an iPad?

23 A Yeah, a Samsung tablet.

24 Q But a -- okay. So, a different brand, but same
25 concept?

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 A Yeah. Yes.

2 Q That was yours?

3 A Yes, it was.

4 Q All right. And you took the train down. Where
5 did you get off the train?

6 A Yemassee.

7 Q All right. So, just down the road from here.

8 A Okay.

9 Q And who were you visiting?

10 A My mother.

11 Q All right. How long has she lived here?

12 A I think ten years plus.

13 Q All right. And had you visited here before?

14 A No.

15 Q Were you -- you were not familiar with the area at
16 all?

17 A Not at all.

18 Q All right. What did you do while you were here
19 for those three weeks before March 21st?

20 A Just visit family.

21 Q Okay. Who all was in your family that you
22 visited?

23 A I have a couple of cousins, aunts, uncles that I
24 haven't seen in a while.

25 Q Was Tyrek Mitchell one of those?

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

- 1 A Yes, Tyrek was.
- 2 Q Who was he to you?
- 3 A My little cousin.
- 4 Q About how, how old is he?
- 5 A About 17, 18, something like that.
- 6 Q Somewhere in there?
- 7 A Yeah.
- 8 Q Was---
- 9 A Yes.
- 10 Q Was he working? Was he in school?
- 11 A Yes, he was. He was working and he was in school.
- 12 Q Okay. Where was he in school at?
- 13 A I think right here in Allendale if I'm not
- 14 mistaken.
- 15 Q And you were spending some time with, with him as
- 16 well as your other relatives?
- 17 A Yes.
- 18 Q How were you getting around town?
- 19 A Well, a couple of my cousins, they would drive my
- 20 vehicles cause I don't have a license. So, they would drive
- 21 the car.
- 22 Q So, when you say your vehicles, what does that
- 23 mean?
- 24 A Well, my family vehicles --
- 25 Q Okay.

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 A -- that my family let me borrow since I was out
2 here.

3 Q Okay. So, you took -- you did the train. So, you
4 didn't bring these cars down from Brooklyn?

5 A No, these cars---

6 Q All right.

7 A ---was here.

8 Q And you don't have a driver's license?

9 A No, I do not.

10 Q Is that pretty common in New York?

11 A No, I don't have -- I would have my license. I
12 don't have my license for certain reasons.

13 Q Okay. Mr. Granger, if -- so, the day of March
14 21st leading up to why we're here, can you tell us about
15 that day, how it went, who you were with, as much as you can
16 remember?

17 A I was with my little cousin, Tyrek, driving. We
18 drove to see a friend. Then we drove back towards -- well,
19 I guess the area where things occurred or whatever.

20 Q Well, tell us about before you, you went back.
21 You, you were riding around with Tyrek --

22 A Yes.

23 Q -- your cousin?

24 A Yes.

25 Q Did you -- was anybody else in the car at any time

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 during the day?

2 A Oh, yeah, a couple of his friends.

3 Q Did you know who they were?

4 A No, I don't.

5 Q You never asked their names?

6 A No.

7 Q Okay. What did you -- what did you do with those
8 folks?

9 A Nothing. He, he took a couple of friends to the
10 store, another friend to get a phone. That was about it.

11 Q And who was sitting where? Where were they -- he,
12 he must of been driving---

13 A He was driving---

14 Q ---since you don't have a license?

15 A ---and I was in the passenger.

16 Q Front passenger's seat?

17 A Yes.

18 Q And everybody that he gave a ride to---

19 A In the back.

20 Q ---must of gone in the back?

21 A Yes.

22 Q Was anything else important in the car?

23 A Yes, my tablet was in the car.

24 Q The same one we talked about earlier?

25 A Yeah.

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 Q When did things start to get unusual?

2 A When we dropped two of his friends off.

3 Q Was there anybody left in the car after you
4 dropped those two?

5 A Nobody else. Just me---

6 Q And, again, you don't---

7 A ---and T.

8 Q You don't know who they were?

9 A No.

10 Q All right. So, you dropped the two of them off.
11 What made that unusual? What happened next?

12 A Well, when we left, I was looking for my tablet,
13 and now my tablet is out the car.

14 Q Where had it been before?

15 A In the passenger back door.

16 Q There's, there's a -- like a---

17 A Like a---

18 Q ---pocket in the door?

19 A Yeah, a pocket in the door.

20 Q All right. What kind of car was this? Do you
21 remember?

22 A 2012 Avenger I think.

23 Q Okay. And when did you notice that the tablet was
24 missing?

25 A About five minutes as we drove, as we left, and I

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 was looking for the tablet.

2 Q Where did you leave from, if you remember?

3 A Pinewood houses.

4 Q Pinewood houses?

5 A Yeah.

6 Q Is that here in Allendale?

7 A Yeah.

8 Q In Allendale County as well?

9 A Yes.

10 Q All right. And you noticed that the tablet was
11 missing?

12 A Yes.

13 Q What happened when you, when you noticed that?

14 A When I told my little cousin I can't find my
15 tablet, he just turnt the car around, and---

16 Q He made the decision all of a sudden?

17 A Yeah.

18 Q All right. And what did you---

19 A And he went back.

20 Q ---understand that y'all were gonna do?

21 A No -- it wasn't like a, a mean or like he was mad.
22 He was like oh, no, one of them probably got your tablet,
23 no, and he turned around, and went back. I guess he know
24 them. So, I don't know.

25 Q You thought that he knew the gentleman who he'd

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 given rides to before?

2 A Yeah.

3 Q Were y'all just giving him a ride as a, as a
4 favor?

5 A Yeah. Well, he also pay. I, I told him, if he
6 gonna pay you, to take that cause my cousin asked me cause
7 he knew the guy, and the guy was like, you know, I needed to
8 go get a phone, and so he asked me, and I said all right.
9 Well, if you're gonna pay cause the car don't run on water.
10 So, he paid him and he took him to go get the phone.

11 Q Okay. Now, after he made the U-turn, what
12 happened next?

13 A We went back.

14 Q To Pinewood?

15 A Yeah. It was the guy -- one of the guys wasn't
16 there. It was another guy that was there that was in the
17 car, and I was---

18 Q So---

19 A ---talking to him.

20 Q Let's take it piece by piece. There were two men
21 in the car earlier?

22 A Yeah.

23 Q You saw one of them at the, at the apartments
24 where you drop both of them off went you got back?

25 A Yeah.

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 Q Okay. What happened when you saw that man?

2 A No, I asked him, you know, you ain't see my
3 tablet, and he's like no. And then there was a girl who was
4 like, ah, give him his tablet. You was locked up for
5 stealing and this and that. Give that man his tablet back.
6 You know you stole it.

7 Q Did you try to start a fight or accuse people of
8 stealing it?

9 A No.

10 Q You're just asking about it?

11 A Yeah, inquiring about it.

12 Q Did you think that that guy stole it?

13 A Actually I don't know. I couldn't -- I'm not
14 gonna just say he stole my tablet. I was inquiring about my
15 tablet.

16 Q Was it possible that it could have just fallen out
17 somewhere?

18 A Nah, it couldn't fall out.

19 Q Okay.

20 A It had to be taken out.

21 Q Had to be taken out from you?

22 A Had to be.

23 Q Okay. And was that the only ride that y'all had
24 given that day?

25 A Yeah.

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 Q Okay. So, you had a feeling that it was one of
2 these two?

3 A One -- it had to be one of the two that was in the
4 back.

5 Q But you didn't make a formal accusation that---

6 A No.

7 Q ---he's---

8 A I just said that somebody had to take that tablet
9 out of the car.

10 Q Did you ask them nicely?

11 A Yeah.

12 Q What happened next?

13 A He got a little -- the guy got frustrated and oh,
14 I didn't take your tablet, this, that and the third, and
15 then, you know, when he started the -- he started to come
16 toward me. And so I made like a little shrug like all
17 right, don't play with me. That's when it got serious.

18 Q So, you made a physical gesture?

19 A Yeah.

20 Q I guess meaning that you weren't to be messed up?

21 A Yeah, like, you know, cause now they started to
22 come around me. Well, the other guy that came out---

23 Q Now, you say the other guy, it's tough because you
24 don't know---

25 A Yeah.

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 Q ---their names.

2 A Exactly.

3 Q But you -- do you mean the other person who you
4 gave a ride to earlier?

5 A No, not the other person who was in the car. More
6 or less, the shooter.

7 Q Okay. Well, we'll get there. But so the person
8 that eventually we're here about today, he came out of
9 where?

10 A Out of the house.

11 Q Okay. House or apartment?

12 A House, apartment, that's what y'all call them out
13 here.

14 Q Okay.

15 A The little apartment.

16 MR. EVANS: Beg the Court's indulgence.

17 Q I'm gonna show you what's been previously entered
18 into evidence as State's Exhibit No. 2. Do you recognize
19 that?

20 A Yeah.

21 Q What is that?

22 A That's, that's in front of the house where I was
23 shot at.

24 Q Okay. Can you tell which one? Do you want to
25 look at another photograph?

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 A No, my car's right there. So, it's right there.
2 I think it was this one. This door right over here.

3 Q Okay. The person got into a chase a little bit,
4 but the person who eventually shot you, he came out of that
5 door?

6 A I'm not gonna -- I can't say that he came -- he
7 just came out of---

8 Q Came out of---

9 A Anywhere.

10 Q ---the building?

11 A He came out of somewhere. Just came out of
12 nowhere.

13 Q Somewhere.

14 A Yeah, I didn't actually get to see where he came
15 from.

16 Q What, if anything, did he do or say?

17 A Nothing. Well, for one, he was talking to the guy
18 too like oh, you know, give him his tablet, and this, that,
19 and the third.

20 Q So, the suspected tablet thief?

21 A Suspected thief, yes.

22 Q Okay. Was he aggressive towards you?

23 A No.

24 Q Were you aggressive towards him?

25 A No.

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 Q Did anybody bring up violence or anything like
2 that?

3 A No.

4 Q Make any kind of threats?

5 A No.

6 Q All right. How did -- did this argument end?

7 A Yes, the, the guy who allegedly they said, you
8 know, he was a thief and he went to jail for stealing, he
9 pulled out \$80.00 and gave to me for my tablet.

10 Q Okay. And did you accept that money?

11 A Yes, I did.

12 Q Why did you do that?

13 A Because I felt he took my tablet, and that was---

14 Q And was that---

15 A I mean, I mean, where I'm from, you're not gonna
16 pay for something you didn't steal.

17 Q I see. Was that amount -- you said, \$80.00, I
18 think, is that right?

19 A Yeah, it was \$80.00.

20 Q In cash?

21 A I pay about \$110.00 for the tablet. So --

22 Q So, not quite the value that you paid for it?

23 A Yeah.

24 Q Did you feel compensated at this, at this point?

25 A At that point I really didn't care any more.

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 Q You're ready to move on?

2 A Yeah.

3 Q Was this tablet important to you?

4 A Yes, it was.

5 Q Was it important enough to start anymore trouble
6 over it after you got the \$80.00?

7 A Nah, not the 80, I, I just, I just left it alone.

8 Q You left it alone?

9 A Yeah.

10 Q What did you do after you left it alone?

11 A After he gave me the 80, I told my cousin let's
12 go.

13 Q Your cousin, Tyrek?

14 A Yes.

15 Q And did you go?

16 A My cousin, I guess, wanted to talk to the other
17 guy. The -- I don't know, the alleged shooter. They went
18 back into the apartment, and I stayed outside, leaned on my
19 car, and smoked my cigarette.

20 Q How long -- what kind of cigarettes do you smoke?

21 A Newport 100s.

22 Q How long does it take you to smoke a cigarette?

23 A About 15 minutes.

24 Q Okay. And you say you did this by your car?

25 A Yeah.

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 Q Let me show you another photograph that's in
2 evidence. Well, actually it'll be the same one. Is your
3 car in this photograph, State's Exhibit No. 2?

4 A Yes, the gray Avenger right here.

5 Q The one right here in the foreground?

6 A Yes.

7 Q All right. That's where you're smoking your
8 cigarette?

9 A Yes.

10 Q And you said it takes you 15 minutes?

11 A Yeah.

12 Q Did you finish that cigarette?

13 A No.

14 Q Why not?

15 A I heard shots.

16 Q Heard shots like gunfire?

17 A Gunfire.

18 Q From where?

19 A The apartment.

20 Q Which apartment?

21 A The apartment I was just showing you.

22 Q Had you been inside the apartment during all of
23 this or were, were you outside the whole time?

24 A I was outside the apartment the whole time.

25 Q So, you had not been inside?

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 A No.

2 Q How could you tell that the shots were coming from
3 the apartments?

4 A I mean, I mean, my car, I'm sitting in front of my
5 car smoking a cigarette, and I heard -- hear shots, and you
6 know---

7 Q Could you---

8 A ---your mind will make you look to the left or
9 look to the right from which way it comes from.

10 Q Had you been around gunfire before?

11 A Yes, I have.

12 Q In New York?

13 A Yes.

14 Q Okay.

15 A I mean it's a lot of gunfire in New York.

16 Q So, you knew what to do?

17 A It wasn't what to do. It's just my, my instincts
18 telling me, like, it's coming from right in front of me.

19 Q Okay.

20 A You got what I'm saying?

21 Q And what did your instincts tell you to do next?

22 A I ran. I was thinking about my cousin cause I
23 know my cousin was in the house. So, I ran and I'm
24 screaming his name, Tyrek, and as I close to the house, the
25 Defendant ran out, and shot me in my face.

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 Q How do you know who that was?

2 A Because he was just standing right next to the guy
3 who gave me the \$80.00.

4 Q You had seen him earlier?

5 A Yeah.

6 Q And he -- but had you talked to him?

7 A No.

8 Q And he came outside to do what?

9 A He came outside and just shot me. He knew that Ty
10 was my little cousin.

11 Q From the conversation that had been going on
12 earlier?

13 A Yeah, earlier. I mean, you know, they introduced
14 oh, that's my cousin. I, I -- Ty know these guys. I don't
15 know these guys.

16 Q Had he said anything to you, this same -- this
17 person who shot you?

18 A No.

19 Q Nothing at all?

20 A Nothing.

21 Q Do you have any reason to suspect danger from him?

22 A No.

23 Q Had you said anything to him?

24 A No.

25 Q And he shot you where?

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 A In my face.

2 Q Well, can you indicate on your face where?

3 A Right here.

4 Q Right below your nose and above your---

5 A Yeah.

6 Q ---above your lip?

7 A Yeah, and it broke the bring -- the top of my---

8 Q Yeah. Tell us what that was like.

9 A Devastating. I couldn't feel the whole left side
10 of my face for practically 2018.

11 Q Were you in pain?

12 A Of course.

13 Q Right in the beginning or all the way---

14 A No.

15 Q ---in 2000---

16 A Instantly.

17 Q I'm sorry?

18 A Instantly. As soon as I knew I was shot in the
19 face. So --

20 Q What did you do after that?

21 A I ran to the left. I seen the Defendant run the
22 out -- well, yeah, I ran to this way, and he want that way.

23 Q Were you bleeding?

24 A Yeah.

25 Q What happened to the blood?

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 A I was spitting and I went to my car, and I want
2 behind my car cause I didn't know if anybody else was
3 coming---

4 Q And you---

5 A -- and --

6 Q I'm sorry. Go ahead.

7 A I didn't know if anybody else was coming. So I
8 just actually went and got cover.

9 Q So, you, after, after being shot in the face, you
10 were able to, to know what to do and, and go hide?

11 A I mean it's only right. I mean it was dark out
12 there. So, I went behind my car and I'm paying attention to
13 the peoples that's coming around, you know, and just looking
14 and making sure, you know, nobody's actually trying to
15 finish the job.

16 Q After the man shot you, did you see where he went?

17 A No.

18 Q No?

19 A Yeah.

20 Q Did you see him around?

21 A No.

22 Q Okay. So, he shot you and then --

23 A Yeah, ran off.

24 Q Oh, you saw him run off or you just---

25 A Yeah.

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 Q ---hid behind---

2 A That's what I'm saying. When, when I got hit, I
3 went -- I ran to the left towards my car, and he went to the
4 right. I don't know where he went. I didn't try to -- you
5 know, I just went behind the car. As I got cover, now I'm
6 looking to see, you know.

7 Q How long did you wait before you did whatever came
8 next?

9 A Probably about five minutes, three minutes, five
10 minutes.

11 Q And then you---

12 A And I'm like I seen people start coming out,
13 outside, and I'm calling the police cause I don't -- I have
14 a New York Sprint phone, and it doesn't work out here.

15 Q You couldn't call the police from your phone?

16 A I couldn't call the police, no.

17 Q When did you see your cousin?

18 A When I ran back towards the -- after I got shot,
19 and once everybody started coming back out, well, there was
20 one person, one person came out, and I ran back and -- by
21 the door. I seen my cousin on the floor, and I seen my
22 keys, my car keys right next to him.

23 Q Could you tell what had happened to him?

24 A Yeah, he was on the floor gone.

25 Q He had been shot?

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 A Yeah.

2 Q Did you---

3 A I called him about three times. No, no response.

4 Q You said something about your car keys were next
5 to him?

6 A Yeah.

7 Q What did you -- did you do anything with those?

8 A No, the -- it was a, a guy there. Some -- like a,
9 like a -- excuse my French. Like a homosexual. He was out
10 there and I, I guess him and the girl or whoever called the
11 police, and I grabbed my car keys.

12 Q Okay.

13 A And that was it.

14 Q They were -- and they were how close to your
15 cousin?

16 A Well, well, more or less he probably had them in
17 his hand. It looked -- well, he was laying on his stomach.
18 I figured a little ways like -- say like if you just fall
19 and something fall out of your hand. It wasn't too far from
20 his body.

21 Q What did you do after you grabbed the keys? Did
22 you try to leave?

23 A No, I went back to the car.

24 Q Why did you, why did you not try to leave if you
25 had your car keys? I know you don't have a license, but---

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 A For one, I was spitting up a lot of bone and
2 blood. So, I went back to the car and like once I started
3 hearing like sirens and police come, and then I seen a lot
4 of people come out, outside. So, after that, I just sat and
5 I just waited.

6 Q Sat and waited?

7 A Yeah.

8 Q How long did you have to wait?

9 A Not that long cause an officer came, an officer
10 came first, and he was talking to me. But he didn't know
11 that I was shot, and I'm telling him I'm shot, and he's like
12 huh. I'm like, yeah, I'm shot, and then he seen the blood
13 or whatever.

14 Q Do you recall who that was? I know you're not
15 from around here?

16 A No, I can't remember.

17 Q Can you describe him?

18 A A tall, a tall muscular officer.

19 Q I'm sorry?

20 A A tall kind of muscular officer.

21 Q Was he black or white?

22 A Black, black guy.

23 Q And he found out that you were shot?

24 A Yeah.

25 Q What happened next?

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 A He told me to sit down and the ambulance came, and
2 I'm telling the ambulance, you know, take my cousin, I'm all
3 right, take my cousin. And he like, no, you got to get in
4 the ambulance, you got to get in the ambulance.

5 Q And were you taken away and treated?

6 A Yeah, I was taken away to, I guess, a close
7 hospital. Then they airlifted me to the Doctor's Hospital
8 in Augusta.

9 Q How long were you there?

10 A Doctor's Hospital, about three to four days.
11 Something like that.

12 Q Did you speak to law enforcement about all this?

13 A Not really.

14 Q Okay. Nobody came to visit you and ask you about
15 it?

16 A Oh, yeah, they came to, to see -- to ask me like
17 who shot me and stuff.

18 Q Were you able to tell them who it was?

19 A Well, at that time, no, cause, you know, I was --
20 they had me under all of the, the medicine in the hospital,
21 and, when they showed me pictures, I'm like -- I actually
22 didn't want to, you know.

23 Q You could not pick him out?

24 A No.

25 Q All right.

DIRECT EXAMINATION OF RAHEME GRANGER BY MR. EVANS

1 MR. EVANS: Beg the Court's indulgence.

2 (Pause.)

3 BY MR. EVANS

4 Q Oh, did you see -- we talked about your, your keys
5 by your cousin. Did you see a gun?

6 A No.

7 Q No. You said your cousin was in school. Was he
8 doing well?

9 A Yeah, he was grad---

10 Q Was he graduating?

11 A Yes, he was graduating.

12 MR. PLEXICO: Objection. This doesn't have
13 anything to do with anything -- any issue in this case,
14 Your Honor.

15 THE COURT: Okay. It's not relevant.

16 MR. EVANS: Yes, ma'am. Those are all the
17 questions I have. Please answer any questions Mr.
18 Plexico may have.

19 CROSS EXAMINATION

20 BY MR. PLEXICO:

21 Q Now, have you recovered from your injuries fully?

22 A Come again?

23 Q Have you recovered from your injury fully, sir?

24 A I wouldn't say fully. Of course not.

25 Q Okay.

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 A Cause I always be traumatizing.

2 Q But it didn't affect your brain and your memory,
3 is that correct? Sir?

4 A No.

5 Q That's not correct?

6 A No.

7 Q That is correct?

8 A No, that's not correct. You said it -- did it---

9 Q Did it affect your memory?

10 A No, it did not.

11 Q Okay. All right. Now, you know you did talk to
12 SLED agents, correct?

13 A Okay.

14 Q Is that right?

15 A Probably, yes.

16 Q Do you remember that?

17 A Yeah.

18 Q Okay. And do you remember that they audio
19 recorded your statements?

20 A Okay. Did they? I don't know.

21 Q Sir?

22 A Did they? I don't know.

23 Q Okay. All right. So, let me ask you this. You
24 picked him up that day from school, is that right?

25 A Yes, sir.

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 Q Okay. All right. And that was about 2:30, is
2 that right?

3 A Yes, sir.

4 Q Okay. Now, you're sitting in the front passenger,
5 is that correct?

6 A Yes.

7 Q All right. Now, y'all picked up two more people,
8 is that correct?

9 A Yes.

10 Q One of them was Devontre Priester?

11 A I don't know these guys' names, sir.

12 Q Okay. And the other one---

13 A I don't even---

14 Q ---is---

15 A ---remember how they look personally.

16 Q Excuse me?

17 A I say I don't know they name. I don't know. I
18 don't really -- I don't know them. That's probably the
19 first time I ever met them.

20 Q Well, you describe a short, black, looked dirty?
21 Is that what you told---

22 A Yeah.

23 Q ---the SLED agents?

24 A Uh-huh. (Indicating affirmatively.)

25 Q And did you say that they all looked the same

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 because the boys down here wear baggy pants as opposed to
2 the guys in New York wear fitted clothes?

3 A Yeah.

4 Q Okay. All right. Now, so you dropped off those
5 two people is what you're saying?

6 A My little cousin was driving, yes.

7 Q Okay. All right.

8 A He was driving.

9 Q And then y'all left?

10 A Yes.

11 Q All right. Now, so, you're in an unfamiliar town,
12 is that correct?

13 A I'm in an unfamiliar town?

14 Q Right.

15 A Yes, I am.

16 Q Cause you're from the Bronx, right?

17 A I'm from Brooklyn, yes.

18 Q Okay. All right. So, there were two people who
19 could of taken your, your Samsung, is that right?

20 A Yeah. Yes.

21 Q Or your little -- is that a Samsung tablet?

22 A Tablet, yes.

23 Q What kind of tablet?

24 A A Samsung Tab 3.

25 Q All right. Now -- and what store did y'all go to

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 here locally? You said the friends wanted to go to the
2 store?

3 A Yeah. Yes.

4 Q Well, what store was that?

5 A He took them to a cell phone store. Well, one of
6 the stores that you buy a phone from. I'm not sure what
7 store.

8 Q Did you go to Wal-Mart?

9 A I'm not sure. I think it was like a Dollar
10 General or something if I'm not mistaken. Somewhere where
11 he can buy a phone at, and he bought a phone.

12 Q Did you leave -- did you drive over ten or 15
13 miles to get there?

14 A I would say so, yeah, or probably more.

15 Q Okay. All right. Now, when -- and Tyrek drove,
16 is that correct?

17 A Come again?

18 Q Tyrek Mitchell drove?

19 A Yes.

20 Q Okay. And when he got to the store, did he put
21 anything in the glove box? Did he put a gun in the glove
22 box?

23 A No.

24 Q Did you see Tyrek with a gun that day?

25 A No.

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 Q Did you have a gun that day?

2 A No.

3 Q All right. All right. Now, did you tell the SLED
4 agents that you suspected the -- one of the boys in
5 particular is the one who had taken your tablet?

6 A Yes, I think so.

7 Q All right. Did you tell those SLED agents, during
8 that interview that was tape recorded, that I'm a very
9 aggressive individual?

10 A No.

11 Q You don't recall that?

12 A I told the SLED agent that?

13 Q Sir?

14 A I told the SLED agent I'm an aggressive
15 individual?

16 Q Did you tell them I am a very aggressive
17 individual? Did you make that statement?

18 A Probably out of anger. I'm not sure. I can't
19 remember. I can't recall.

20 Q So, you can't give me an answer---

21 A I was---

22 Q A yes or a no answer?

23 A Yeah, I was furious. Probably, probably not. I
24 can't recollect on that.

25 Q Probably?

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 A Come again?

2 Q I said probably you made that statement? Is that
3 your answer?

4 A That -- probably. Yes, I was --

5 Q Did you---

6 A -- aggravated.

7 Q Were you also audio recorded saying that you were
8 ready to beat the shit out of him?

9 A Out of somebody for stealing, yes. I remember
10 that, yeah. Stealing my stuff, yeah.

11 Q Do you remember telling the SLED agents on audio,
12 on an audio recording that I put hands and feet on him?

13 A No.

14 Q That sound like you?

15 A Nah.

16 Q You don't recall your own voice then -- words
17 coming out of your voice then?

18 A No.

19 Q Now -- so, you were very upset when you got there
20 over your, over your tablet being stolen?

21 A Yes.

22 Q Okay. And you wanted your tablet or you wanted
23 the money, is that right?

24 A I wanted my tablet.

25 Q Now---

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 A I didn't expect money.

2 Q Well, now, this is nighttime by now, right?

3 A Yes.

4 Q So, you're going to the projects, right, Pinewood
5 Projects?

6 A Yes.

7 Q At nighttime?

8 A Yes.

9 Q In a town you're not familiar with?

10 A Yes.

11 Q Around people you don't know?

12 A Yes.

13 Q That have stolen from you, correct?

14 A Yes.

15 Q And you don't have any protection? You don't have
16 a gun?

17 A No, I wasn't driving and there was no guns---

18 Q Well, if you were driving---

19 A ---in the vehicle.

20 Q ---would you have a gun?

21 A Come again?

22 Q Begs the question, if you were driving, would you
23 of had a gun?

24 A No.

25 Q Okay. Now, so, you pick Ty Mitchell up from

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 school that day, right?

2 A Correct.

3 Q Okay. So, who in -- did you ever -- did you --
4 was Bernard -- was the boy you thought who had stolen your
5 tablet, was he on the door stoop of, of that apartment you
6 parked near, almost in front of?

7 A On the door stoop, no, he was like in the, the
8 grass.

9 Q All right. Now, did the argument get heated?

10 A Yes.

11 Q Okay. Did that man deny taking your tablet?

12 A No.

13 Q He didn't repeatedly deny taking your tablet?

14 A No, they accused him of taking it -- well, yeah,
15 matter of fact, yes, he did deny probably once or twice, and
16 they, they like, oh, you know you went to jail.

17 Q Who's they?

18 A The girls that was out there. I don't know these
19 people.

20 Q The girl---

21 A There was a girl out there saying something like
22 give that man his tablet. You know you stole his tablet.
23 You been locked up for, for stealing or whatever, and the
24 next thing you know, I guess, he said, no problem, and he
25 gave me \$80.00.

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 Q You didn't put a gun up to him---

2 A No.

3 Q ---and then, and then take \$80.00 out of his hand?

4 A Not at all.

5 Q All right. You remember some man coming out there
6 and telling you to leave, and take your problems somewhere
7 else?

8 A Yes.

9 Q Okay. You remember a woman coming out and telling
10 you to leave and get off, get off their property?

11 A No. I remember a man coming out telling me or can
12 you take this problem, and I said I respect you. I, I have
13 children and everything in New York. That's why I got off
14 of the grass, and I went to my car across.

15 Q Did three women tell you to get off their property
16 and get out of their apartments that night?

17 A No.

18 Q Now, so you're the injured party you claim,
19 correct?

20 A Yes.

21 Q All right. So, you say you leave and go outside.
22 You smoked that cigarette several -- seven to ten minutes,
23 is that right?

24 A Yeah.

25 Q Okay. Where Tyrek Mitchell?

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 A Tyrek Mitchell's inside of the house.

2 Q All right. Now, did my client repeatedly tell
3 y'all to get out of that house?

4 A No.

5 Q Isn't it true that Tyrek bum rushed his way into
6 that house?

7 A That's a lie, Your Honor, officer, or prosecutor.

8 Q Now, you told SLED on audio that you do a lot of
9 money transactions on that tablet, is that right?

10 A No, I did not.

11 Q Did you tell them that you do a lot of money
12 transactions?

13 A No, I did not.

14 Q So, what's the point in going inside if it's all
15 over, Ty Mitchell, your little cousin, going inside if it's
16 all over?

17 A Exactly. That's my question why---

18 Q You didn't go get him. You're the older person.
19 You didn't go get him.

20 A I told him to come on, and he went to talk to, I
21 guess, one of his friends.

22 Q Well, he was really upset about you're his older
23 cousin getting robbed there in Allendale, wasn't he?

24 A I don't know. I wouldn't say very upset. I would
25 say he was with his friends. He want to talk to his

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 friends. Everything was settled. It wasn't an argument no
2 more.

3 Q So, what purpose would he have there after you
4 just went and took \$80.00 -- was the man crying when you
5 took \$80.00 from him?

6 A The man went in his pocket---

7 Q Was he upset---

8 A ---and gave me \$80.00.

9 Q Was he nervous and upset?

10 A No, he was not.

11 Q Did you tell Ty Mitchell you're ready to beat the
12 shit out of him?

13 A No, I did not. I told Ty, Tyrek, let's go, my
14 little cousin. I said---

15 Q Hold on.

16 A ---once he gave me the \$80.00, I said let's go.

17 Q Oh, were you mighty upset when you discovered the
18 thing was stolen to start with?

19 A Of course.

20 Q How dare they?

21 A Yes.

22 Q Of course you were upset?

23 A Yeah.

24 Q Is that when you told Ty I'm gonna -- I ought to
25 beat the shit out of him?

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 A No, I did not.

2 Q You didn't go over there with a plan for violence?

3 A No, I did not.

4 Q Did you intend to go over there and even get that
5 table or kick some ass or get some money?

6 A I went to get my tablet.

7 Q Was that your plan? Excuse me?

8 A I went to find out what happened to my tablet.

9 Q Well, you knew it'd been stolen?

10 A Yeah.

11 Q Well, okay. But you weren't gonna do anything
12 about it except ask nicely?

13 A Yeah, you can't cry over spilled milk. If they
14 don't have it, they don't have it.

15 Q And you don't recall telling the SLED agents, on
16 audio, that the guy didn't have your tab, tablet, we were
17 gonna beat the shit out of him?

18 A No.

19 Q So you ran -- you heard gunshots and ran to the
20 gunshots? Is that what you did?

21 A Yes, sir.

22 Q Okay. All right. Had you thought that Tyrek had
23 shot somebody, and you were trying to get him out of there?

24 A No, sir.

25 Q So---

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 A I was making sure that my little cousin was safe.

2 Q You ran cause you're from, you're from Brooklyn?

3 A Yeah.

4 Q And you hear gunfire in Brooklyn?

5 A Yeah.

6 Q Okay. And you're, you're pretty -- you grew up in
7 Brooklyn, right?

8 A That's right.

9 Q You're a pretty tough guy, right?

10 A I wouldn't say that.

11 Q Well, you know how to handle yourself around
12 gunfire, right?

13 A I know how to cover myself, of course.

14 Q Well, okay. So, you ran. You expect us to
15 believe that you ran toward gunfire unarmed?

16 A Yes, sir. My little cousin is inside.

17 MR. PLEXICO: Court's indulgence.

18 (Pause.)

19 BY MR. PLEXICO

20 Q Now, you said there were a lot of people outside
21 as you were waiting -- eventually a lot of people outside
22 as, as you waited outside, is that correct?

23 A Yeah. Well, no, it wasn't nobody outside when I
24 was smoking my cigarette.

25 Q After you were shot, there were a lot of people?

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 A After I was shot, yeah, a lot of people just came
2 out of nowhere.

3 Q Wasn't the other third person who was in the car
4 with y'all, wasn't he there backing y'all up?

5 A No.

6 Q So, you sat in the front passenger seat, right?

7 A Yes.

8 Q You couldn't see anything that was going in and
9 out of the glove box, right?

10 A Yes.

11 Q Okay. So, you were told to leave, right?

12 A Yes.

13 Q Y'all didn't leave, right?

14 A I was told to leave or from -- in front of they,
15 they house. I went to in front of my car. I was told to
16 leave. My little cousin wasn't told to leave. These are my
17 little cousin's friends or I guess people that he knew or
18 hang out with.

19 Q You and your little cousin just went over and took
20 money out of a man who denied doing -- off a man that you --
21 he denied doing you when you were a little time left -- any
22 wrong, and that, that's, that's, that's Mr. Mitchell's
23 friends?

24 A I didn't take any money from anybody. I guess it
25 was a guilty conscious, and the guy gave me \$80.00, and

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 that's when I told Tyrek let's go.

2 Q Did you make a forceful presentation to that man
3 to get the \$80.00?

4 A No, I did not.

5 Q You just asked sweetly and nicely?

6 A Believe it or not, I didn't ask him for a dime. I
7 asked him if he had my tablet. He said no, I don't have
8 your tablet or I don't know, whatever. The girl kept
9 insinuating, I, I -- you know you was locked up for -- you
10 just came home from stealing and this, that, and the third.
11 And then the guy said, you know what. I got money. He went
12 in his pocket, and he took out \$80.00, and he gave it to me.

13 Q And that wasn't the actions of a frightened,
14 crying man?

15 A I wouldn't say he was frightened.

16 Q Now, you went back in the apartment, right, and
17 got stuff after you were shot?

18 A Not---

19 Q Is that correct?

20 A I didn't go in the apartment. I went by the door,
21 the front of the apartment, and you can see in, and I seen
22 my little cousin on the floor.

23 Q Okay. So, you didn't go---

24 A No.

25 Q ---in after you were shot?

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 A No.

2 Q Did your keys magically jump up off the floor in
3 front of his body and come over to the door?

4 A No, it did not.

5 Q Did they have some kind of wings?

6 A No, the -- it was a, a gay guy over there, and he
7 picked the keys up and gave them to me as he came out.

8 Q You didn't tell, on audio, the SLED agents, that
9 you returned to the apartment to look for Mitchell, saw him
10 lying on the floor, saw his keys lying on the floor in front
11 of Mitchell, and reached down to retrieve them?

12 A I -- no, he, he picked up the keys.

13 Q You didn't tell the SLED agents that on audio?

14 A I can't remember.

15 Q All right. Well, were you interviewed, let me
16 find the date, on March 22nd by SLED officers at Doctor's
17 Hospital? They came to see you.

18 A Uh-huh.

19 Q Were you?

20 A Yes.

21 Q Okay. And you didn't say you saw his keys on the
22 floor and you reached down to retrieve them? You didn't
23 tell them that?

24 A I know -- I can't remember. Probably --

25 Q Probably did tell them?

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 A -- probably -- I just got shot. So I don't -- I
2 can't remember what actually went after---

3 Q So---

4 A ---after the fact. You know, my brain was a
5 little -- they had to do a bunch of MRIs and check to see if
6 I had bone fragments and bullet fragments in my brain.

7 Q And the truth is that you didn't, right?

8 A I can't remember whether---

9 Q All right.

10 A Believe it or not.

11 Q You had the wherewithal to go in that apartment
12 and get the keys, right?

13 A Come again?

14 Q You had to -- you had the, the sense about
15 yourself to go get the keys out -- go get stuff out of that
16 apartment, and you got the keys, isn't that right?

17 A Get stuff out of the apartment?

18 Q Did you get your---

19 A No, I did not.

20 Q ---keys out of the apartment? Let's not -- I mean
21 answer the question.

22 A I just answered the question.

23 Q You don't know?

24 A No, the guy picked up the keys.

25 Q Did you just say that probably, you might have

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 went in there and got the keys?

2 A I can't say. I can't, I can't recollect.

3 Q Okay. So, you don't know how you got the keys?

4 Isn't that the truth?

5 A Believe it or not, as I'm sitting thinking now,
6 probably. It had to be the guy. It had to be the, the
7 homosexual gave me the keys because I think it was him who
8 called the police, and it was -- he was actually talking to
9 me as I was by the car bleeding and trying to --

10 Q Okay. Did you take the gun out of there? Did you
11 take Tyrek's Smith & Wesson 9-millimeter out of there with
12 those keys?

13 A No, I did not.

14 Q And weren't you in there---

15 A I didn't even see a gun.

16 Q ---with Devontre Priester?

17 A Come again?

18 Q Weren't you in there with the third in the car,
19 y'all's friend, Devontre Priester?

20 A I don't even know who Devontre Priester is.

21 MR. PLEXICO: I don't have anything further for
22 him.

23 THE COURT: Mr. Evans.

24 MR. EVANS: No redirect, Your Honor.

25 THE COURT: Okay.

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 MR. EVANS: As the victim, I would ask that he be
2 allowed to remain with us if he chooses.

3 THE COURT: Absolutely. All right, sir. You are
4 excused. You are, of course, welcome to say if you
5 would like to.

6 THE WITNESS: All right. Thank you.

7 THE COURT: Thank you, sir.

8 Ladies and gentlemen, I think now is a very good
9 time for lunch. Ladies -- you can go ahead and step
10 down, sir. You're welcome to.

11 Ladies and gentlemen, I am gonna ask that you all
12 go about your business and grab a bite to eat, and I'm
13 gonna ask that you be back at 2:30 in your jury room
14 where we're gonna go ahead and continue.

15 Who's my foreperson?

16 Yes, ma'am. What I need you to do is, after
17 lunch, I would like you to talk to the jury and see if
18 anyone has anywhere they absolutely have to be today.
19 I don't know how many witnesses we have, but I know,
20 when you came here yesterday, you had no idea if you
21 were gonna be on the jury, and if someone needs to be
22 somewhere, I just need to know what time we need to
23 break for that person to get to where they need to go.
24 Okay. So, if you would just inquire of the jury, and
25 then tell the bailiff, and I'll make sure you-all get

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 wherever you need to go.

2 Okay. Ladies and gentlemen, I have to caution you
3 and I'm gonna continue to say this, do not speak to
4 anyone in regards to this case. Do not speak to each
5 other about this case, ladies and gentlemen. Don't do
6 any independent research. Go grab a bite to eat,
7 ladies and gentlemen, and come on back at 2:30 where
8 we'll go ahead and continue.

9 All right. Additionally, ladies and gentlemen, if
10 anyone tries to talk to you or approach you in any way,
11 you absolutely make sure you tell me.

12 Okay? I appreciate it. Y'all are excused for
13 lunch. Thank you.

14 (The jury exits the courtroom at 1:10 p.m.)

15 THE COURT: You can come up.

16 (Off-the-record discussion held.)

17 THE COURT: All right. We will be at ease in this
18 case. Everyone back at 2:30. Go grab a bite to eat.

19 Okay. Thank you.

20 Yes.

21 MR. EVANS: Judge, we might want to come back a
22 bit early since Mr. Plexico does want to do the
23 in-camera for Mr. Loadholt, who would be the next
24 witness.

25 THE COURT: Okay. And that's fine. So, let's

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 all, the rest of us, come back at 2:15. Okay? All
2 right.

3 (Lunch recess.)

4 THE COURT: Okay. Let's go ahead. And we need to
5 call Mr. Loadholt, is that correct?

6 MR. EVANS: Yes, ma'am.

7 THE COURT: Okay. Let's call him.

8 MR. EVANS: Oh. Oh.

9 THE COURT: Mr. Loadholt, come on up right here,
10 sir. Take a seat.

11 Ms. Sabb, will you go ahead and swear him in?

12 Sir, if you will please stand. Place your
13 left-hand on the Bible and raise your right-hand. As
14 you can see, there's no jury here. Okay. So, just
15 stand, place your left-hand on the Bible, and raise
16 your right-hand.

17 THE WITNESS: For what?

18 THE COURT: Just you're being sworn in, sir.
19 Stand up. Put your left-hand on the Bible, raise your
20 right-hand. Ms. Sabb is gonna swear you in.

21 THE CLERK: Do you swear or affirm to tell the
22 truth, the whole truth, and nothing but the truth so
23 help you God?

24 THE WITNESS: To what?

25 THE CLERK: Do you swear to tell the truth, the

CROSS EXAMINATION OF RAHEME GRANGER BY MR. PLEXICO

1 whole truth---

2 THE WITNESS: No.

3 THE CLERK: ---and nothing but the truth so help
4 you God?

5 THE WITNESS: No.

6 THE CLERK: Okay. He says no.

7 THE COURT: All right.

8 Thereupon,

9 JOE LOADHOLT

10 was called as a witness, having been first duly sworn,
11 was examined and testified as follows:

12 THE COURT: Sit down, Mr. Loadholt. It's my
13 understanding that you have been called as a witness in
14 this case and you don't want to be here. Is that fair
15 to say?

16 THE WITNESS: Yes, ma'am.

17 THE COURT: Okay. And is there any specific
18 reason why you don't want to testify in this case?

19 THE WITNESS: No, I just don't want to.

20 THE COURT: Okay. Has anyone threatened you?

21 THE WITNESS: No, ma'am.

22 THE COURT: All right.

23 DIRECT EXAMINATION

24 BY MR. EVANS:

25 Q Mr. Loadholt, do you recall talking to me last

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 week?

2 A Yeah. No.

3 Q No. You don't even remember speaking to me in
4 this courthouse across the hall?

5 A (No audible response.)

6 Q Okay. We're gonna do that. Do you recall having
7 a conversation with this lady two years ago?

8 A (No audible response.)

9 Q At Allendale Police Department?

10 A (Nod.)

11 THE COURT: Is that a yes or a no?

12 THE WITNESS: No.

13 Q No. On March 23rd---

14 A No.

15 Q ---2018?

16 A No.

17 THE COURT: You want to pull up the video and show
18 him himself?

19 MR. EVANS: Yes, ma'am. We would do just that.

20 THE COURT: Mr. Loadholt, I want you to understand
21 something. If you want to, you can refuse to speak,
22 but I can tell you this, sir, if you get on the stand
23 and lie, you're gonna be held in contempt of Court. I
24 want to make sure you understand that.

25 (Short video played.)

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 BY MR. EVANS:

2 Q All right. Is that you, sir, on the screen?

3 A (No audible response.)

4 Q Is that---

5 THE COURT: Sir, you need to say yes or no that I
6 can hear you.

7 A I say yes. Yes.

8 Q That is you?

9 A Yes.

10 Q Do you remember when this film was made?

11 A (Nod.)

12 Q Do you remember making any of the, of the comments
13 that are captured in that video?

14 A No. No.

15 Q No. Do you remember that this is the lady who was
16 talking to you whose voice we just heard in the beginning?

17 A Yeah.

18 Q You, you do remember that?

19 A Yeah.

20 Q Let me ask you this. Do you remember March 21st?
21 This is the 23rd. Do you remember March 21st, 2018?

22 A Yeah.

23 Q And do you remember Tyrek Mitchell? Did you know
24 him?

25 A Yeah.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q You did?

2 A Okay.

3 Q Was he your best friend?

4 A Yeah.

5 MR. PLEXICO: Leading. I object.

6 BY MR. EVANS:

7 Q Was he your friend?

8 A Yeah.

9 Q Okay. How close a friend was he?

10 A Friends.

11 Q Friends. Okay. Do you recall telling deputy, or
12 excuse me, Special Agent Katie McCallister that he was your
13 best friend?

14 A No.

15 Q Do you recall seeing him shot?

16 A No.

17 Q Do you recall seeing anybody else shot?

18 A No.

19 Q Do you recall speaking to the police at any point?

20 A No.

21 Q But that's what this video is?

22 THE COURT: Do you need to refresh his
23 recollection by playing the video?

24 MR. EVANS: I'll be happy to.

25 THE WITNESS: No.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 MR. EVANS: It's about 20 minutes.

2 THE WITNESS: No.

3 BY MR. EVANS:

4 Q But you can tell me about it.

5 A No.

6 Q I'm sorry, Mr. Loadholt?

7 A No.

8 Q No? You don't remember?

9 A I say I remember, but---

10 THE COURT: Go ahead and play it.

11 A I mean like you can be. I don't mind looking at
12 it. No, no, no, no, no.

13 Q I'm sorry?

14 THE COURT: Just go ahead and play it.

15 THE WITNESS: No. No, ma'am.

16 MR. PLEXICO: I didn't hear what he said.

17 (Video playing.)

18 THE WITNESS: Can we stop this? Can we stop that?
19 Can we stop this? Can we stop it please?

20 Q Is this---

21 THE COURT: How much longer is it?

22 A Please stop this.

23 MR. EVANS: Seven minutes, Judge, but---

24 THE COURT: Okay. Well, I've seen enough the
25 while thing. So --.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 MR. EVANS: Yes, ma'am.

2 THE COURT: And everyone in the room has. So --.

3 Q Mr. Loadholt, did this refresh your recollection?

4 A Yes, sir.

5 Q You do remember now?

6 A Yes.

7 Q Yes?

8 A Yes.

9 Q Are you prepared to testify about what happened
10 that night?

11 A No.

12 Q No?

13 A No.

14 Q Are you---

15 MR. PLEXICO: We can't hear him.

16 THE COURT: You need to speak up.

17 THE WITNESS: I said no.

18 THE COURT: Sir, you don't have a choice. You
19 have to testify in this case. If you don't, I'm gonna
20 hold you in contempt of Court.

21 BY MR. EVANS:

22 Q Do you understand what contempt of Court means?

23 A No.

24 Q That means she could put you in jail.

25 THE COURT: Sir, no one can tell you what to say.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 What you do have to do is tell the truth. That's the
2 oath you took, and that's where you swear on the Bible,
3 and state that you will tell the truth.

4 BY MR. EVANS:

5 Q Mr. Loadholt, are you going to testify?

6 A (No audible response.)

7 Q I can see you shaking while you were watching
8 this, and the Judge asked you this already, but I'm gonna
9 ask you. Has anybody threatened you or your family?

10 A (Shaking head yes.)

11 Q I see you nodding. Is that a yes? Is that a---

12 A You don't understand.

13 Q I'm sorry?

14 A I mean you don't understand. It feel like you got
15 a little boy to raise after. You don't understand that.
16 You probably got kids. I got kids. Do you have kids?

17 Q I'm asking you---

18 A No. Do you have kids to---

19 Q ---the questions.

20 A I'm gonna, I'm gonna -- I respect your question
21 what you saying.

22 THE COURT: Mr. Loadholt?

23 THE WITNESS: I got a family to look after.

24 THE COURT: Mr. Loadholt, the question is, sir,
25 are you afraid for either yourself or your family if

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 you testify in your case?

2 THE WITNESS: Yes, my family and myself.

3 THE COURT: That's what I want to know.

4 THE WITNESS: Yes.

5 THE COURT: That's what I want to know.

6 THE WITNESS: Yes, I don't want to have nothing,
7 you know, to hide about it because, at the end of the
8 day, I got a family and son to look after too. So, at
9 the end of the day, like why would I put my family and
10 stuff in a predicament, and the jeopardy their life,
11 huh, that they didn't have nothing wrong to do with
12 that, Judge. You feel me? Only thing I care about is
13 my little boy, and growing up, and watching his dad
14 being around his life. I ain't been with my son since
15 he was born since two years old. I see my son twice in
16 my life, and the thing I'm still going through now to
17 try to be a better man than I am is now. And I don't
18 want my mama to go through a situation find out dead or
19 anything like that. That how I think in my mindset.
20 Y'all talking at a mindset, I have it here today. I'm
21 sorry.

22 Y'all see me in my future like this, but it's how
23 I feel like God tells me. I'm going through a lot
24 right now, and y'all at -- such stuff y'all don't even
25 know. I'm sorry I'm talking like this because, at the

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 end of the day, I want to be here watch my little boy
2 grow up and be whatever he want to be. He can do
3 whatever he want to be cause at -- to this point right
4 now, I don't care if I lose my life or whatever. Take
5 it, and that's how I feel. Whatever -- just take my
6 life, whatever it is, just take it as long as my little
7 boy straight. Can you do that for me?

8 THE COURT: Sir, what we can do is make sure that
9 your child and your family is protected.

10 THE WITNESS: Okay.

11 THE COURT: We can do that.

12 THE WITNESS: That's all I ask.

13 THE COURT: We can do that, and I understand that.
14 I understand that. You are not unlike every person
15 that sits in that box. I'm, I'm gonna tell you that I
16 understand, and I absolutely, and I will answer this.

17 THE WITNESS: And---

18 THE COURT: I have four children and, yes, I'm
19 always concerned for them, and I agree with that. But,
20 at this point, you've been subpoenaed to testify in a
21 case. My understanding, from watching your previous
22 interview, is that you saw what occurred, and you
23 talked about it in the video. So, you've been
24 subpoenaed here, and really the only choice you have is
25 to testify. And, again, the only thing anyone can ask

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 of you is for you to testify truthfully, and then if
2 you are frightened for yourself or children---

3 THE WITNESS: I am.

4 THE COURT: ---I, I understand that.

5 THE WITNESS: Oh, definitely, is.

6 THE COURT: I---

7 THE WITNESS: And I'm gonna say this more than one
8 time, Judge.

9 THE COURT: I, I hear you.

10 THE WITNESS: I'm definitely, and you can hear it
11 in my voice right now.

12 THE COURT: I hear you. Trust me, I hear you. We
13 can definitely protect you, and I can certainly go to
14 lengths to have SLED protect you as well. How many
15 family members do you have here in Allendale?

16 THE WITNESS: The whole -- most every---

17 THE COURT: The whole family?

18 THE WITNESS: My whole family.

19 MR. EVANS: Judge, may I ask him---

20 THE COURT: Go ahead.

21 MR. EVANS: I don't know if he'll answer it.

22 DIRECT EXAMINATION (CONTINUED)

23 BY MR. EVANS:

24 Q Who has threatened you cause I'm afraid
25 somebody---

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A I don't want to talk about that.

2 Q I'm afraid someone may be in the courtroom---

3 A I don't want to talk about that.

4 Q ---Mr.---

5 A I'm good. I would like to talk to the Judge. Not
6 you.

7 THE COURT: Mr. Loadholt, people cannot be
8 threatening you about your testimony, and I can tell
9 you, in this case, we've already had allegations on
10 both sides, that both of the families have been
11 threatening either witnesses or potential jurors. This
12 is not how our system works. You need to feel
13 protected, and you need to know that you're doing the
14 right thing when you come into Court, and you testify
15 to the truth, and you swear on the Bible that you're
16 going---

17 THE WITNESS: No.

18 THE COURT: ---to tell the truth.

19 THE WITNESS: I didn't swear.

20 THE COURT: ---regardless.

21 THE WITNESS: I didn't swear, Your -- ma'am.

22 THE COURT: Regardless---

23 THE WITNESS: Right.

24 THE COURT: ---of who it helps or hurts. That's
25 not the point here. Your job's to tell the truth, and

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 that's all a trial is. It's a search for the truth.
2 So, I will tell you this. You will testify in this
3 case. We will protect you, and I don't know if we need
4 to take some time, if I need to meet with right now
5 with SLED to figure out how exactly I can do that, and
6 who I need to take care of.

7 MR. EVANS: It's up, it's up to you, Judge. I'm
8 certainly not going to tell you not to. Safety's more
9 important to me.

10 THE COURT: Who can I talk to from -- between SLED
11 and the Sheriff's Office, who can I talk to? Come
12 here.

13 (Off-the-record discussion held.)

14 THE WITNESS: Like I told you, Judge---

15 THE COURT: Just hold on a second. I'm just
16 talking. Okay.

17 (Off-the-record discussion held.)

18 THE COURT: All right. He says someone has
19 specifically been threatening him. So, I have asked
20 Special Agent McCallister to go find out if there's a
21 specific name of a person that is threatening him to
22 see if it's anyone related to the Defendant's family,
23 the victim's family, or anyone that's in this
24 courtroom. This case has been fraught with people
25 trying to tamper with jurors, trying to influence

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 witness testimony.

2 I can tell you this, Mr. Plexico. I understand
3 what your argument is, but I can tell you he gave
4 testimony earlier. It's on video and my concern is, is
5 that he needs to get up here and he can say he doesn't
6 remember or he remembers it, one way or the another.
7 But I do think there's a way to get past this where we
8 can get him up and on, and he's either gonna say he
9 made the statement or he didn't. If he says he made
10 the statement, it's gonna be right there, and
11 McCallister can testify to it, which it comes in.

12 MR. EVANS: Yes, ma'am.

13 THE COURT: If he denies making the statement,
14 then I think he gets to play it.

15 MR. EVANS: All right.

16 MR. PLEXICO: I have a further objection which
17 might make things go quicker.

18 THE COURT: Sure.

19 MR. PLEXICO: From zero to, about two minutes and
20 two -- 21 seconds, Ms. Katie's doing most of the
21 talking. She's saying she's carrying the weight of
22 Tommy's life on her shoulders cause Sammy Chisholm
23 Patterson, whoever he is, has come in and yelled at
24 her, and they need to make a tight case, and don't lose
25 in Court.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 THE COURT: You want that cut out?

2 MR. PLEXICO: Yes.

3 THE COURT: Okay.

4 MR. PLEXICO: And then---

5 THE COURT: And I understand that. Okay.

6 MR. PLEXICO: After the fact, ma'am, when he
7 talks -- then he talked, then he talked about the meat
8 of the case.

9 THE COURT: Uh-huh.

10 MR. PLEXICO: Then, at about 12 minutes, they
11 start talking about the testimony about how he led a
12 good Christian life, and how everybody loved him, which
13 I don't believe that that's admissible.

14 THE COURT: We're talking about -- she's talking
15 about the victim in this case, correct?

16 MR. PLEXICO: The victim.

17 THE COURT: Okay.

18 MR. PLEXICO: When he starts talking about the
19 victim and doing the testimony there.

20 THE COURT: Okay.

21 MR. PLEXICO: After that I think it's not
22 admissible. Clearly. So, zero to 2:26, and after 12
23 minutes. But that leaves in when he was talking about
24 what happened there.

25 THE COURT: But he names the shooter at the end.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 MR. EVANS: Yes, I'm afraid we can't -- I mean, I
2 realize we've broke off sort of in the middle here, but
3 I have to have the line-up. I mean we're gonna
4 obviously enter the line-up through Katie, who
5 presented it to him, the physical document. But if
6 this video's worth anything at all, I, I have to ask --
7 show him picking out Mr. Williams. I'm hopeful that we
8 don't even play the video, and that he, thanks to Your
9 Honor, will, you know, cooperate, and then, you know,
10 if there are small discrepancies here now, we don't
11 need the video, and we can ask Special Agent
12 McCallister in her direct what was different. I think
13 that's permitted within 613(b) as well. And that way,
14 you know, none of the questions that she has on the
15 video will come in at all, and they won't ever hear
16 that. But that's -- it's sort of cart before, before
17 the horse right now cause we don't know exactly what
18 he's gonna do still.

19 MR. PLEXICO: At this point, he appears to be
20 testifying. So, I would no longer have the, the
21 ability to, to effectively cross-examine argument, and
22 I believe that he should be able to put in the part
23 about the line-up, and just ask -- if he'd just ask him
24 about it, and if he says, yes, this is the person that
25 got it, then I don't think it's admissible to do a

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 videotape of him will doing it.

2 MR. EVANS: I---

3 MR. PLEXICO: If he just says, yes, this is the
4 guy that I picked, and yeah.

5 MR. EVANS: I agree. The video is only---

6 THE COURT: You can ask him. Quite frankly, I
7 think you can do it both ways, and you could do it
8 both. But I think that that's gonna be the cleanest
9 way to go forward. Did he say who's threatening him?

10 SPECIAL AGENT McCALLISTER: Yes, ma'am, he did.

11 THE COURT: Who is it?

12 SPECIAL AGENT McCALLISTER: Antron Williams.

13 THE COURT: Antron Williams. So, that was the man
14 that testified earlier, is that correct?

15 SPECIAL AGENT McCALLISTER: Yes, ma'am.

16 THE COURT: Who accused Mr. Chisholm Patterson of
17 shaking hands?

18 MR. EVANS: Yes, ma'am.

19 THE COURT: So, once again, we have both sides
20 doing this.

21 MR. EVANS: And if you'll recall, I asked, under
22 oath, did he -- was he convicted of this before. He
23 said yes.

24 THE COURT: Okay. Well, we need to go get him
25 into custody. You need to go call, however. But I, I

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 can't have, I can't have him either A, he's still in
2 the courtroom, correct? I got rid of Mr. Chisholm.
3 It's this one that's -- so, he can't be in the---

4 MR. EVANS: Yes, ma'am.

5 THE COURT: Pardon?

6 MR. EVANS: He watched the rest of the morning.

7 THE COURT: Yeah, he can't come back.

8 SPECIAL AGENT McCALLISTER: I'll have special
9 Agent Williams call Captain Neal.

10 THE COURT: See if they want to make charges based
11 on---

12 SPECIAL AGENT McCALLISTER: Yes, ma'am.

13 THE COURT: Okay. I mean if he -- when he comes
14 back in, I mean the least -- the minimum that I can do
15 is I can also, at this point, I can ban him from the
16 courthouse from 500 feet from the grounds. But you can
17 choose to press charges against him.

18 SPECIAL AGENT McCALLISTER: Yes, ma'am.

19 THE COURT: And Ms. McCallister, Agent
20 McCallister, I apologize, when did he say he was last
21 threatened by Mr. Williams?

22 SPECIAL AGENT McCALLISTER: He has not said. I
23 can go ask him that.

24 THE COURT: Antron. I need to know if he's been
25 threatened by him today since I directly told anyone

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 not to contact any witness or anyone else because, if
2 he did then, he's in direct contempt of Court.

3 MR. EVANS: He's---

4 THE COURT: And I will lock him up.

5 MR. EVANS: He's -- Mr. -- I don't know what to
6 say. But he has been isolated.

7 THE COURT: Okay.

8 MR. EVANS: I don't know.

9 THE COURT: So, you think it will be prior to
10 this?

11 MR. EVANS: I do, Your Honor.

12 THE COURT: Okay. Well, let's just confirm that.

13 MR. EVANS: We'll find out.

14 THE COURT: As long as it's prior to this. Okay.

15 And I understand all our jurors are back, correct?

16 THE BAILIFF: Bring them out?

17 THE COURT: No, not yet. I just want to know that
18 they're here.

19 MR. EVANS: I was gonna apologize for delaying
20 them, but---

21 MR. PLEXICO: I believe you've made a ruling on
22 the zero to two minutes? Is that out?

23 THE COURT: I think the first two minutes don't
24 need to be there.

25 MR. PLEXICO: Okay.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 THE COURT: I think you can fast forward that.

2 MR. EVANS: All right.

3 THE COURT: I just don't think it's necessary.

4 MR. PLEXICO: And I would ask for a ruling on the
5 testimonial about how the victim let such a good life,
6 and everybody loved him. And that happens at about 12
7 minutes until they get to the line-up, which may or may
8 not be muted because the other part may not---

9 THE COURT: And what is your argument to that?
10 That it's not relevant?

11 MR. PLEXICO: Yes, it's just a testimonial and
12 appeal to emotion, Judge, about how he led a good
13 Christian life, and everybody loved the boy. I might
14 be okay -- that's okay for sentencing, but it's
15 certainly not okay to play that in front of the
16 courtroom. That's like Katie saying, wait a minute,
17 wait, I have the boy's life on my shoulder. If that's
18 allowed, it's just the same line of---

19 THE COURT: Well, I think areas -- I think
20 certainly in a trial, and certainly in a murder trial,
21 there is some testimony allowed in regards to the
22 person and their life. I also think it potentially
23 could become relevant when you're talking and saying
24 that, potentially, this is a self-defense case or a
25 defense of others at the house. So, any animosity

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 between the two of them would be appropriate.

2 MR. EVANS: Yes, ma'am.

3 MR. PLEXICO: But they're not talking -- he's just
4 talking about general, generalities.

5 THE COURT: Well, I don't know how I can pick
6 through that video.

7 MR. PLEXICO: Well, I think the whole thing
8 until -- from 12 minutes until the, the -- it's not
9 picking through it. It's a segment from approximately
10 12 minutes, when he starts giving the testimonial,
11 until they do the lineup cause they're done talking
12 about what happened.

13 THE COURT: I don't think it's possible though to
14 put in those portions and not chop it or for the jury
15 to see the whole picture.

16 MR. PLEXICO: He's already done that. This is a
17 partial, this is a partial video anyway.

18 MR. EVANS: Well, I -- I've redacted to keep out
19 hearsay---

20 MR. PLEXICO: Well, I mean---

21 MR. EVANS: ---which I knew you would object to.

22 MR. PLEXICO: It's already -- and further
23 objection is it's a testimonial to appeal to emotions,
24 which it -- has nothing to do with any relevance. All
25 we got to do is hit stop, and move on up.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 THE COURT: Okay.

2 MR. PLEXICO: All this is putting the cursor there
3 and moving your finger to the relevant part.

4 THE COURT: Well, the victim he is dead. So,
5 there is a certain amount of emotion involved in every
6 murder case because someone is not living any more.
7 So, let's just leave it at that right now. You're
8 gonna take out the first two minutes.

9 MR. EVANS: Yes, ma'am.

10 THE COURT: You're gonna start it further along if
11 we end up having to play it at all.

12 MR. EVANS: Assuming we play it at all.

13 THE COURT: Hopefully we won't have to play it at
14 all. Okay. Yes.

15 AGENT McCALLISTER: He was threatened yesterday.
16 Mr. Antron Williams approached him---

17 THE COURT: Yeah.

18 AGENT McCALLISTER: ---and asked him if he
19 testified and took the stand. He told him no, and the
20 general comment that Mr. Loadholt just made is that, if
21 he did, he would kill him and his family.

22 THE COURT: Okay. Okay. Well, I think you guys
23 need to go ahead and bring charges against Antron
24 Williams.

25 AGENT McCALLISTER: Yes, ma'am.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 THE COURT: But talk to your supervisor,
2 obviously.

3 AGENT McCALLISTER: Yes, ma'am.

4 THE COURT: Secondly, unless you already have an
5 arrest warrant, unless you can do it right now, I can,
6 right now, ban him from the courthouse or do you want
7 to just go ahead and arrest him? I mean I know you
8 need something.

9 AGENT McCALLISTER: We can, we can, we can get an
10 affidavit immediately, and I mean we can always take
11 him into custody, and have him held for service.

12 THE COURT: Okay.

13 MR. PLEXICO: He's -- I think -- I believe he's
14 here.

15 THE COURT: Okay. That's what I'm asking.

16 MR. PLEXICO: I'll go get him.

17 THE COURT: No, don't go get him yet.

18 AGENT McCALLISTER: I will -- I'm gonna call
19 Captain Neal.

20 THE COURT: Go call him first and then -- we're
21 gonna take just about ten minutes or so. Let's just
22 see, Agent McCallister, what you can figure out and --

23 (Break.)

24 AGENT McCALLISTER: I spoke with Captain Neal, and
25 he's good with arresting the other Mr. Williams.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 THE COURT: Okay. Okay. Okay.

2 AGENT McCALLISTER: We're preparing the affidavit
3 now.

4 THE COURT: Perfect.

5 AGENT McCALLISTER: I'm gonna need a transport.
6 Deputy.

7 THE DEPUTY: We got you.

8 THE COURT: Okay. So, they have to go with him,
9 yeah.

10 AGENT McCALLISTER: Judge, do you want us to go
11 ahead and take him into custody now or would you -- how
12 do you want to handle that?

13 THE COURT: I think we can go ahead and take him
14 into custody now. I mean you have opportunity to
15 charge him, and take him into custody. My question to
16 you-all is now is, number two, is Mr. Loadholt gonna
17 testify, and, secondly, which he needs to, or he's
18 gonna be placed in contempt of court.

19 AGENT McCALLISTER: Can I---

20 THE COURT: Yes, and how can you protect him
21 afterwards is my bigger concern, but I got to tell --
22 yeah.

23 (Off-the-record discussion held.)

24 MR. PLEXICO: Your Honor, my client feels as since
25 a witness is talking to another witness who's changing

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 their mind about what they remember and what their
2 testimony is going to be that I need to make an, and
3 I'm making a motion for a mistrial since we're---

4 THE COURT: A witness is talking to another
5 witness about something completely unrelated.

6 MR. PLEXICO: Well, we don't know that. My client
7 has pointed out to me, and based on that we don't know
8 what she says since we weren't present, and it wasn't
9 done in open court, I would make a motion for a
10 mistrial on---

11 THE COURT: It's noted for the record, but any
12 investigating officer, case officer, solicitor can talk
13 to any of their witnesses or any witnesses, for that
14 matter, if they're willing to talk to them before or
15 during a trial as long as they're not talking about the
16 context of it. So, respectfully, your motion for a
17 mistrial is denied.

18 (Pause.)

19 THE COURT: Mr. Evans and Mr. Plexico, does the
20 jail record phone calls in and out of the jail at this
21 jail?

22 MR. EVANS: I'm being told yes.

23 THE COURT: Yes?

24 THE GUARD: Yes, ma'am.

25 THE COURT: Okay. Thank you.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 MR. EVANS: How do we monitor that? Is somebody
2 monitoring that regularly?

3 THE GUARD: Not, not regularly, but --

4 MR. EVANS: How long do they stay loaded up before
5 they're erased?

6 THE COURT: They -- I'm, I'm not sure.

7 MR. EVANS: Well, do they -- so like at least a
8 week?

9 THE GUARD: Oh, yes.

10 THE COURT: I can tell you that they frequently,
11 in Beaufort and in other circuits, will, during the
12 trial, monitor the jail phone calls based on what
13 happens and what unfolds any time there's a case where
14 there's a potential for witness intimidation. It's
15 kind of -- you probably agree, it's pretty much
16 standard practice. I think Melissa would probably
17 agree they do that a lot in Beaufort. Hunter Swanson
18 seems to love having someone always monitoring every
19 phone call during a trial.

20 MR. EVANS: I'm aware of their reputation because
21 they've actually called Hampton officers when they're
22 housing Hampton defendants, and said here's, here's one
23 for you.

24 THE COURT: Yeah. Yes.

25 AGENT McCALLISTER: Mr. Williams was taken into

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 custody.

2 THE COURT: Okay.

3 AGENT McCALLISTER: His mother wanted me to
4 reiterate the fact that a threat was made to her son by
5 Sammy Chisholm, that if Jamel Williams was not
6 convicted, that they were going to kill him.

7 THE COURT: Okay. Again, do you want me to go
8 ahead and just take everybody into custody in this
9 case?

10 AGENT McCALLISTER: Did mother -- Ms.---

11 THE COURT: But she's not a witness in this case.
12 She's threatening -- is threatening a victim, but I'm
13 assuming---

14 AGENT McCALLISTER: Yes, ma'am.

15 THE COURT: ---the mother is not testifying,
16 correct?

17 MR. EVANS: No.

18 AGENT McCALLISTER: I'm sorry. Jamel's mom. I
19 cannot remember her name, Mr. Plexico.

20 MR. PLEXICO: Jamel's mom is not a witness.

21 THE COURT: Okay.

22 MR. PLEXICO: She reported it---

23 AGENT McCALLISTER: Yeah.

24 MR. PLEXICO: ---to my client.

25 AGENT McCALLISTER: She wanted me to reiterate

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 it---

2 THE COURT: That's fine.

3 AGENT McCALLISTER: ---that Jamel---

4 THE COURT: Okay. Mr. Williams can sit. Mr.
5 Williams is gonna sit. We need to get going with this
6 trial. So, we need to continue with it. I need to
7 know if Mr. Loadholt, what he is going to do when he
8 takes the stand.

9 AGENT McCALLISTER: Okay.

10 THE COURT: Okay.

11 AGENT McCALLISTER: One second.

12 THE COURT: Okay. Thank you.

13 (Pause.)

14 MR. EVANS: Judge, while we've been delayed,
15 Ms. Duque has communicated with our Bluffton office.
16 They've made a copy of the interview with the first two
17 minutes removed. She is burning that to a disc as we
18 speak.

19 THE COURT: Okay.

20 MR. EVANS: There will be no chance of operator
21 error --

22 THE COURT: Okay.

23 MR. EVANS: -- in case we get that far.

24 THE COURT: Okay.

25 MR. EVANS: I, I won't have a copy for him, but

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 I'll let him review it.

2 (Pause.)

3 THE COURT: Also I want to make sure, as far as
4 you have taken now both Mr. Williamses into custody.
5 While I know they are related, I want to make sure
6 they're separated. Can we take care of that?

7 Yes?

8 THE GUARD: Yes, ma'am.

9 THE COURT: Okay. Mr. Evans, we're gonna need to
10 set a bond on the other Mr. Williams tomorrow.

11 MR. EVANS: Very good.

12 THE COURT: Okay.

13 MR. EVANS: So, would you like to do that before
14 the jury comes or---

15 THE COURT: The problem is I just can't -- I don't
16 want them together.

17 MR. EVANS: Oh, I totally agree.

18 THE COURT: So, might be better if we wait maybe
19 till lunchtime. You tell me the easiest time to keep
20 them separated from moving them. You just tell me when
21 it's best. I just need to set a bond you know.

22 Okay?

23 THE GUARD: Okay.

24 THE COURT: All right. Mr. Evans, go see what
25 she's doing. Let's go.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 MR. EVANS: Okay. He's refusing to talk to me,
2 Judge, as soon as I poked my head in there. She's just
3 trying to get him to come out basically.

4 THE COURT: Okay.

5 MR. EVANS: I'm afraid we may have to go through
6 our motions again.

7 THE COURT: Okay.

8 MR. EVANS: I apologize.

9 THE COURT: Okay.

10 MR. PLEXICO: He seemed to do well in here in
11 front of you, Your Honor.

12 MR. EVANS: Yes, I, I would prefer that you were
13 prosecuting the case, Judge.

14 THE COURT: Oh, let's go ahead and bring him out,
15 and then, when I bring the jury in, I'm just gonna give
16 him a few brief words right now.

17 MR. EVANS: Okay.

18 THE COURT: We'll call him. He'll already be
19 here. We'll swear him in in front of the jury and then
20 we'll go from there.

21 Okay?

22 MR. EVANS: She's bringing him in.

23 THE COURT: Thank you. Come on, Mr. Loadholt.

24 Come on in. Take a seat. I have taken the other

25 Mr. Williams into custody. So, you don't need to be

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 worried about him.

2 THE WITNESS: I'm not worrying about him. I'm
3 worrying about my child. I told y'all that the first
4 time.

5 THE COURT: Sit down, Mr. Loadholt. So what is
6 gonna happen is this, we're gonna bring the jury in.
7 The Solicitor's gonna ask you questions. You can
8 either---

9 THE WITNESS: I don't want to---

10 THE COURT: Listen to me. You can either say yes
11 or no or I don't know. If you say I don't know or if
12 you say no, then he will have the ability to play that
13 video if he wants to. I'm just telling you that that's
14 how it works.

15 THE WITNESS: Why him? I don't like him.

16 THE COURT: Sir, you don't have to like anyone in
17 this courtroom. Sir, we're here.

18 THE WITNESS: Right. Okay.

19 THE COURT: Okay. We have a man on trial for his
20 life, and we have another one dead. Please understand
21 the significance of this.

22 Bring the jury in.

23 MR. EVANS: Yes, ma'am.

24 THE COURT: Mr. Loadholt, I don't want to hear you
25 hitting that chair on any of these walls.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 (Jury enters the courtroom.)

2 THE COURT: Welcome back. Ladies and gentlemen,
3 take a seat. Y'all take a seat.

4 All right. The State has called their next
5 witness. Who is it?

6 MR. EVANS: This is Joe Loadholt, Your Honor.

7 THE COURT: All right. Mr. Loadholt, how do you
8 spell your last name?

9 THE WITNESS: L-O-A-D-H-O-L-T.

10 THE COURT: Thank you, sir.

11 MR. EVANS: Judge, does he need to be sworn in
12 front of the jury?

13 THE COURT: Yes, he does. Thank you.

14 Ms. Sabb. You can stay in your seat, sir. Just
15 place your left-hand on the Bible, and raise your
16 right-hand.

17 Thereupon,

18 JOE LOADHOLT

19 was called as a witness, having been first duly sworn,
20 was examined and testified as follows:

21 THE WITNESS: I swear to tell the truth.

22 THE CLERK: Okay.

23 THE COURT: Thank you. Mr. Evans.

24 MR. EVANS: Thank you, Your Honor.

25 DIRECT EXAMINATION

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 BY MR. EVANS:

2 Q Mr. Loadholt, do you know somebody named Tyrek
3 Mitchell?

4 A Yes, sir.

5 Q Who is that?

6 A My best friend.

7 Q Your best friend?

8 A Yes.

9 Q Do you remember March 21st, 2018?

10 A Yes. Yes, sir.

11 Q You do?

12 A Nod.

13 Q Can you tell us what happened that night?

14 A Give me a minute.

15 Q I understand.

16 MR. PLEXICO: May I approach cause he talks so
17 softly?

18 THE COURT: Well, it depends on where you're
19 going.

20 MR. PLEXICO: Well, I mean just coming here so I
21 can hear him.

22 THE COURT: Okay. Just speak up a little bit, Mr.
23 Loadholt. I appreciate it.

24 MR. PLEXICO: Would you ask him to speak into the
25 microphone?

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 THE COURT: I will. Go ahead.

2 BY MR. EVANS:

3 Q Can you tell us what happened, Mr. Loadholt?

4 A I said give me a minute.

5 THE COURT: You want a minute?

6 THE WITNESS: Give me a minute.

7 THE COURT: Absolutely.

8 (Pause.)

9 THE WITNESS: Okay.

10 THE COURT: Okay.

11 BY MR. EVANS

12 Q Okay. Mr. Loadholt, I understand it's an
13 emotional subject.

14 A I don't like you.

15 Q I'm sorry?

16 A I don't like you.

17 Q No, thank you?

18 A I don't like you, but I'm ready.

19 Q You don't like me? Okay. But you're ready to
20 talk to me?

21 A Yeah.

22 Q We're actually gonna ask you to talk to these
23 folks here. So, you're not even really talking to me. I'm
24 just gonna ask you questions. But it would help them if you
25 would speak up as loud as you can.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A I'm speaking up.

2 Q A bit little louder if you can.

3 A I'm speaking up.

4 Q That's much better.

5 THE COURT: Thank you, sir.

6

7

8 BY MR. EVANS

9 Q Thank you. Can you tell us what happened on
10 March 21st, 2018?

11 A My friend, Tyrek Mitchell, was murdered that night
12 that, that same night. I don't remember what the end of it
13 then, but he was murdered that night, and so called like,
14 man. It was a house packed full. Everybody was in there at
15 the time. It was all crowded.

16 Q Can you tell us where that is, where it was?

17 A Pinewood Apartment.

18 Q Pinewood Apartments in Allendale?

19 A Yeah.

20 Q All right. How long were y'all there? What time
21 of the day was it?

22 A I don't remember none of the time and that. I
23 don't.

24 Q Was it in the evening?

25 A Night. Evening.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q Night. Okay. How long had Tyrek been there?

2 A Not that long. He usually ain't like the type
3 that come there in the hood, wasn't the type to come in the
4 hood like that. Like pull up out there. If I was not
5 there, you know, he'll pull up on me. He won't -- he wasn't
6 the type to come in to buy your stuff like that. Not
7 anybody house.

8 Q Stuff like that?

9 A Like to come to anybody house. He was the type
10 not to come to anybody house unless he come picking me up.

11 Q I see.

12 A Yeah.

13 Q Were you there as a guest?

14 A I lived at -- up top.

15 Q All right. You living in, in another unit?

16 A I live up the top, man. When the accident
17 happened was downstairs, and I lived up top.

18 Q What's your apartment number at that time?

19 A No answer.

20 Q Let me ask you this. Did -- you didn't live in
21 [REDACTED]?

22 A Not [REDACTED]. You got it all wrong.

23 Q I've got -- tell me how -- tell me what's right.

24 A [REDACTED].

25 Q Twenty?

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A [REDACTED].

2 Q [REDACTED]. Okay.

3 A Yes.

4 Q That's where it happened?

5 A Yes.

6 Q All right.

7 A No, I don't remember the number where it happened.

8 That's where I lived at. That what happened the number

9 downstairs from me.

10 Q Thank you.

11 A Yeah.

12 Q I appreciate that. How long had you been there or
13 been around the apartments that evening, that night?

14 A I just told you I live out there.

15 Q You lived---

16 A Been out there about 20 years---

17 Q When---

18 A ---in them apartments.

19 Q When did you see Tyrek?

20 A That afternoon he came. The afternoon.

21 Q Did he bring anybody---

22 A He -- I had -- my first time in seeing him
23 downstairs. That my first time seeing him down them stairs
24 like that like because -- he, like I told you, he wasn't the
25 type that hang with anybody. You feel me?

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q Yeah.

2 A So, like I know my boy more than anybody.

3 Q Did he bring anybody with him, any relatives?

4 A Yes.

5 Q Friends?

6 A His people.

7 Q Do you know---

8 A I don't know they names. His people.

9 Q Do you know who---

10 A Cousins. I don't know, I don't know all his
11 cousin name. I just know his cousin. That's all.

12 Q Was it a man or a woman?

13 A A man.

14 Q He brought a male cousin with him. Did you notice
15 them getting in any, any kind of trouble?

16 A No, I wasn't concerned about them. I was
17 concerned about my boy, Ty.

18 Q Okay. Why were you concerned about him?

19 A Because at the moment, at the time like that, who
20 wouldn't be concerned about they homeboy getting shot?

21 Q Well, I want to ask you some questions about
22 before he got shot if that's okay.

23 A What's up?

24 Q What led up to him getting shot?

25 A A tablet.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q A tablet?

2 A Yes.

3 Q Whose tablet?

4 A Huh?

5 Q Do you know whose it was?

6 A No.

7 Q Do you know what the argument was about, who was
8 arguing?

9 A A tablet.

10 Q Okay.

11 A Something simple, stupid that could of been
12 avoided.

13 Q Was it that somebody had stolen a tablet?

14 A I think so.

15 Q Okay. And who was arguing?

16 A Oh, a bummy ass nigger. Excuse my language. A
17 bummy person named Bernard.

18 Q Okay.

19 MR. PLEXICO: Who? I didn't understand what he
20 said.

21 A Bernard.

22 Q And who else was arguing about it, Tyrek?

23 MR. PLEXICO: Leading.

24 A Yes.

25 MR. PLEXICO: I object, Your Honor.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A Sir?

2 THE COURT: No, it's okay, sir. Go ahead and
3 continue. Overruled. Go ahead. You can answer it,
4 sir.

5 Q Was Tyrek arguing about the tablet with Bernard?

6 A A tablet, yes.

7 Q Was his cousin arguing about the tablet with
8 Bernard?

9 A Yes. Yes, sir.

10 Q Okay. Did anybody have a gun?

11 A I didn't know right then at the time, no. I did
12 not know---

13 Q You didn't know that anybody---

14 A ---at the time. I know, I know this at the last
15 minute cause like how like I told you, the house already
16 been packed. It was too packed in there anyway. So, like,
17 it was kids and all in there. It was too packed in there.
18 You feel me?

19 Q A lot of people around?

20 A I just told you, yes, sir.

21 Q Okay. A lot of kids?

22 A Probably about two.

23 Q Two kids?

24 A Right.

25 Q About -- how -- roughly how old were they?

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A I don't know.

2 Q That's okay.

3 A Ain't my kids.

4 Q That's fair. Did you say whether they were
5 teenagers or toddlers?

6 A Toddlers.

7 Q Toddlers. All right. And you didn't know that
8 anybody had a gun?

9 A No, I didn't know at the moment at the time
10 because --

11 Q After?

12 A Like I told you, the house already packed. How I
13 suppose to see who has this on them and that? You feel me?
14 So, in my mind say that to try to keep everything down to
15 keep everybody calm and stuff like that. But it got out of
16 hand more than that. You feel me?

17 Q Yeah. Tell me how it got out of hand.

18 A A about.

19 Q Okay.

20 A Some -- something could of been avoided like I
21 just told you.

22 Q I understand.

23 A Can we move to more questions? Can you move
24 faster?

25 Q No, I'm afraid I can't.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A Why you can't?

2 Q Because these folks have to understand.

3 A Okay. They understand---

4 Q They don't know the story. You do.

5 A Am I speaking loud enough for y'all?

6 THE COURT: Mr. Loadholt.

7 THE WITNESS: Cause he keep---

8 THE COURT: Mr. Loadholt.

9 THE WITNESS: ---asking me the same questions.

10 THE COURT: Mr. Loadholt.

11 THE WITNESS: That change the---

12 THE COURT: Mr. Loadholt.

13 THE WITNESS: Okay.

14 THE COURT: Stop for a minute. Okay?

15 THE WITNESS: Okay. I'm listening.

16 THE COURT: Sir, he's allowed to ask you questions
17 and you need to answer them. All right?

18 THE WITNESS: Okay.

19 THE COURT: And, like I said, if you don't know
20 the answer---

21 THE WITNESS: I understand.

22 THE COURT: ---you can say I don't know the answer
23 or you can ask him to repeat it or rephrase it. Okay?

24 THE WITNESS: Okay.

25 THE COURT: All right. Let's move along,

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Mr. Evans.

2 MR. EVANS: Yes, ma'am.

3 MR. EVANS:

4 MR. EVANS:

5 BY MR. EVANS

6 Q Did anybody make any threats of violence?

7 A No.

8 Q Were you afraid that anybody was going to get
9 murdered?

10 A Yes.

11 Q Who?

12 A First I really thought it was gonna be Smack, but
13 instead it ain't supposed to come out that way my dog, Ty---

14 Q Who is---

15 A Tyrek Mitchell.

16 Q Who is Smack?

17 A Some kind of bummy nigger.

18 Q Okay.

19 A Yeah.

20 Q Not Mr., not Mr. Tyrek Mitchell?

21 A No, that's my dog. That's my best friend. I just
22 told you.

23 Q I know. I'm just clarifying. And not his cousin?
24 That's not Smack either?

25 A Say that again, sir.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q Smack is not Tyrek's cousin?

2 A No. No, sir, I just told you that. They been
3 fighting over a tablet. So, how that can be his cousin?
4 They fighting over a tablet.

5 Q Tell us about the moment when Tyrek was shot.

6 A Give me a minute.

7 (Pause.)

8 A Okay. I'm ready.

9 Q What can you tell us about it?

10 A I can tell you that, that -- the only thing I know
11 that shots, man, went all over the place, and just sparkle
12 in the house and everything, and then about Hardten
13 (phonetic) ran out the house, and that give me time, you
14 know, to like check up on my boy, you know, cause I was
15 scared cause that bullet could of hit anybody in that house.
16 You feel me?

17 Q Did you see who shot him?

18 A Yes.

19 Q Yes?

20 A Yes.

21 Q Who was it?

22 A I don't want to say his name but I'll say I know
23 who shot him. Next question.

24 Q Did you tell the police who shot ever -- who, who
25 shot him two years ago back then?

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A Not that same night.

2 Q Not that same night, but you did tell them?

3 A Yeah.

4 Q Who did you tell them shot Tyrek?

5 A I don't remember these police name who I tell, but
6 you know.

7 Q Not who did you talk to. Who shot Tyrek?

8 A I'm just gonna say this. It start with an M.

9 Q Did you---

10 A And that's that.

11 Q I'm gonna ask you to say who it is.

12 A M.

13 Q Who is M?

14 A M.

15 Q Is M in this courtroom today?

16 A Yes.

17 Q Where is he sitting?

18 A I'm not pointing.

19 Q Can you tell us what kind of clothing he's
20 wearing?

21 A Just know he got a bald head. He sitting in the
22 courthouse right there on the right side.

23 Q Is he sitting at that defense table over there?

24 A Yes. Yes.

25 Q Wearing a white shirt?

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A Yes.

2 Q Is his name Jamel Williams?

3 A Yeah, you know that that's -- why you asking me
4 that? Yes, sir.

5 Q That's M?

6 A Yeah.

7 Q Is that what you told the police?

8 A I talked to one person. I didn't tell the police
9 that morning when I talked to one person.

10 Q You did speak to SLED though, right, the next
11 day---

12 A Yeah.

13 Q ---or two days later, is that correct?

14 A Yep.

15 Q Okay. What else did you tell them about how it
16 happened?

17 A What you mean?

18 Q Where was Tyrek when Jamel Williams shot him?

19 A In Pinewood Apartment.

20 Q But where in the room? Tell us what was he doing.

21 A The front room.

22 Q The front room. Was he fighting Jamel Williams?

23 A At first, we all like in -- the house was too
24 packed for anyway. He was chilling at first.

25 Q How about the moments before the shot? Was the

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 house still packed?

2 A Yes, the house was packed. It shouldn't have been
3 that much people anyway in there cause babies was in there.
4 But, you know, things happen. But, you know, like, like I
5 told you the house was too packed.

6 Q Did Jamel Williams say anything before he shot
7 Tyrek Mitchell? Do you recall?

8 A I really don't remember.

9 Q Do you remember---

10 A I really don't.

11 Q ---talking to the police about it -- what he said?

12 A Yeah, but I don't remember. My mind not really
13 good, but, you know, yeah.

14 Q Okay.

15 A My mind not good with memory. Next question.

16 Q Did he say that---

17 MR. PLEXICO: I object to leading questions, Your
18 Honor.

19 THE COURT: Okay. Overruled. You can---

20 MR. EVANS: I think we're 613(b).

21 THE COURT: ---ask that. I think there's no
22 question. So, go ahead.

23 BY MR. EVANS:

24 Q Did you hear Jamel Williams -- did you see him
25 pull out a gun before he shot him?

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A I didn't see him pull out a gun.

2 Q Did you hear him say that he would air this bitch
3 out?

4 THE COURT: Mr. Loadholt, you need to answer the
5 question, sir.

6 A Yes.

7 Q Yes?

8 A (Nods in the affirmative).

9 Q Before he shot him?

10 A Say that again.

11 Q He said that before he shot Tyrek?

12 A Yes. Yes. Yes.

13 Q What else did he do before he shot Tyrek?

14 A Repeat the word of what you said. I ain't --

15 Q Let me ask you this, Mr.---

16 A The door lock. The door or some way or how the
17 door locked.

18 Q Jamel Williams locked the door?

19 MR. PLEXICO: Object. Leading again, Your Honor.

20 THE COURT: You can ask, did.

21 Q Did Jamel Williams lock the door? Is that what
22 you just told us?

23 A Yes.

24 Q Before he shot?

25 A Yes.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q What else happened between Tyrek and Jamel before
2 Jamel shot him?

3 A Let me think. Hold on. I'm trying to remember.
4 Give me a little bit.

5 Q Just try your best.

6 A You know, my boy, like, you know, you know.
7 Excuse my language, ma'am, what I'm about to say. He wasn't
8 no punk bitch just to back up and down, back down from
9 nobody. That one thing about him. He stood on his ground.

10 Q He stood---

11 A And he told him like, you know, he ain't give a
12 damn he had the gun in his hand or not, you know. My, my
13 dog put up a fight.

14 Q How did he put up a fight?

15 A Protect his life. Defend his life, you know.

16 Q What did he do to defend himself? Did he---

17 A He fight back.

18 Q He fought back. Can you describe how?

19 A Tussling.

20 Q He's tussled?

21 A That's right.

22 Q So how did the tussle end?

23 A This about to be real hard I'm about to say. Just
24 give me a minute.

25 Q I know it's hard.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A No. No, you don't. I guess my dog trip over a
2 chair, and that's really messing him up.

3 Q All right.

4 A He tripped. So, you know, how them apartments is?
5 They ain't so big. They so much big in the front. Well,
6 they ain't so much big. He ain't had the space to defend
7 hisself or to run or nothing. You feel me?

8 Q Uh-huh. (Indicating affirmatively.) Did Tyrek
9 say anything before he was shot?

10 A He begged for his life.

11 Q He begged for his life. Did he do anything with
12 his hands?

13 A Give me a minute. He put his hand in the way just
14 to cover, you know, to try to stop the bullet I guess,
15 whatever.

16 Q His hands up?

17 A Yes, to, to for his life. Who wouldn't beg for
18 they life either? You would beg for your life too.

19 Q And that was before he was shot?

20 A Yes, sir.

21 Q And you saw him get shot?

22 A Yes.

23 Q Could you tell what part of his body was hit?

24 A His head.

25 Q His head. Could you tell how many times Jamel

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Williams fired?

2 A I'm not gonna say it. I'm just gonna throw up two
3 fingers.

4 Q More than once.

5 A Really I don't really want to talk about it cause
6 like it's about to break me down. That junk about to break
7 me down, break me down, but, like I told you---

8 Q I'm sorry.

9 A ---about two. Cause you don't know who I'm sorry.
10 You don't know the pain I'm feeling right now. You not
11 sorry.

12 Q When you spoke to the police a few days later, to,
13 SLED, you remember that, right?

14 A Yes. What's up?

15 Q Did they ask you who did this?

16 A Yes.

17 Q Did you know Jamel Williams' full name at that
18 time? Were you able, were you able to tell them his full
19 name?

20 A No, I ain't know his full name at the time. Only
21 thing I know his name as Mel. Melly Melly.

22 Q Did they ask you to look at anything?

23 A Yeah.

24 Q What did they ask you to look at?

25 A Who he is the picture in there who did the crime.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q They asked you to look at a set of pictures?

2 A Yeah.

3 MR. EVANS: May I approach, Your Honor?

4 THE COURT: You may.

5 BY MR. EVANS:

6 Q Mr. Loadholt, I'm gonna hand you a piece of paper,
7 and ask you if you can identify that.

8 A Yes.

9 Q What is this piece of paper?

10 A I'm not pointing just to let you know.

11 Q You don't have to point. I'm just asking you what
12 the piece of paper is.

13 A A mugshot of a crime person that included of the
14 murders.

15 Q Six photos?

16 A Yeah.

17 Q Is it the same or a copy of the same that you saw
18 on March 23rd?

19 A It look like a copy.

20 Q What's that?

21 A It look like a copy.

22 Q It looks like a copy. Is there any handwriting on
23 there?

24 A Yes.

25 Q Is that your handwriting?

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A No, I don't write that.

2 Q No?

3 A I don't write in cursive.

4 Q Okay.

5 A That's not my handwriting. No, that's not my
6 handwriting.

7 Q Can you read what the initials are?

8 A That's not my handwriting.

9 Q That's not your handwriting?

10 A No, it's not.

11 Q Can you read what the initials are?

12 A Mines.

13 Q Your initials?

14 A Nod.

15 Q So is this the form that you circled?

16 A I didn't circle it. I just pointed out.

17 Q You pointed it out?

18 A (No audible response.)

19 Q But it's the same?

20 A Yes.

21 Q All right.

22 MR. EVANS: Your Honor, the State would move this
23 into evidence. I'm not sure what number it is.

24 MR. PLEXICO: No objection.

25 THE COURT: Without objection, it's in evidence.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 What number is it?

2 THE COURT REPORTER: Twenty-eight.

3 THE COURT: Twenty-eight.

4 MR. EVANS: That's State's 28. Beg the Court's
5 indulgence.

6 *(Whereupon, State's Exhibit No(s). 28 marked for*
7 *identification and received in evidence.)*

8 THE COURT: Sit tight. You okay? You want some
9 water?

10 THE WITNESS: Yeah.

11 THE COURT: Sit tight for a second. Okay?

12 MR. EVANS: Thank you, Mr. Loadholt. Those are
13 all the questions I have for you. Please answer any
14 questions that Mr. Plexico may have.

15 CROSS EXAMINATION

16 BY MR. PLEXICO:

17 Q Thanks for coming today. Now, when Tyrek Mitchell
18 and his cousin came over, they came inside the apartment?

19 A Yes.

20 Q Were they with Devontre Priester?

21 A Who is that?

22 Q Did Devontre Priester come over?

23 A Who is Devontre Preacher (sic)? Who is---

24 Q Priester.

25 A I don't know who that is.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q Did he come over with them?

2 A I don't know who that is, sir.

3 Q Okay. All right. Did Ronisha Hightower live
4 there?

5 A I don't know who she is.

6 Q Do you know who the Latoya -- did you know the
7 women who lived downstairs in that apartment under you?

8 A Yes.

9 Q Okay. You know Latoya?

10 A Laquia.

11 Q You know Laquia?

12 A I don't know her.

13 Q Laquia Patterson?

14 A I don't know her.

15 Q Okay. Do you know the three sisters who lived
16 down there and hang out down there?

17 A The only one I know that live down there where I
18 was at. I didn't know the two.

19 Q Okay. Did you hear the -- first, the, the --
20 Tyrek Mitchell and his cousin, they wanted their tablet,
21 right?

22 A Yes.

23 Q Okay. And they talked to Mr. Smack, who's Bernard
24 Elmore, right?

25 A Nod.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q You nodded your head---

2 A He the man---

3 Q ---correct?

4 A He the blame, his cousin is now.

5 Q He's the problem with this thing?

6 A Yeah.

7 Q Okay. All right. We'll talk about that later.

8 A Yeah.

9 Q Now, they first talked to him at the door stoop
10 with the door open, right?

11 A Say that again.

12 Q They first talked with Mr. Bernard Elmore,
13 Smack---

14 A Yeah.

15 Q ---Tyrek and his cousin, trying to get that tablet
16 back, talked to Bernard right there with the door opened on
17 the door stoop, right, where you walk in the apartment at
18 first, right?

19 A Yeah.

20 Q And they were -- he wanted his tablet back cause
21 it was expensive, and they got a little loud, right? They
22 wanted the tablet or the money, right?

23 A Yeah. Yeah.

24 Q Okay. All right. Now, do you remember one of
25 those girls coming out and telling everybody to leave cause

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 they were getting loud?

2 A I think so, yes.

3 Q Okay. Did all three girls eventually come out and
4 tell those boys to leave because they were getting loud, one
5 at a time?

6 A Like I told you, like I told him, the house was so
7 packed I couldn't see who all been inside there, which I
8 know---

9 Q Okay.

10 A ---I know the females that was inside they. I
11 know they was inside there, but the house was too packed.
12 How I'm gonna see who walking around there---

13 Q I didn't ask---

14 A ---in that house was too packed.

15 Q ---if you could see.

16 A Okay.

17 Q Hear -- hearing, you said hear. Did you hear more
18 than one woman tell them to take the problem outside and get
19 out?

20 A Yes, sir, I heard that. Yeah. Yeah.

21 Q Okay. And you heard more than one woman say that,
22 and they didn't do that?

23 A Matter of fact, let me correct you right now.
24 The house of the woman said that, that, more than one person
25 got to leave here. She the one did the talking. I don't

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 know about the other girls. I can't talk for them. You
2 feel me?

3 Q Did Mel tell them they had to get out too?

4 A Like I told you, the house was packed. I didn't
5 remember who said it, but I remember the girl of the house
6 said everybody got to leave, but everybody didn't want to
7 leave. So, I didn't --

8 Q You didn't leave, did you?

9 A I didn't leave?

10 Q Right? You stayed there, and Tyrek Mitchell
11 stayed there?

12 A Yeah.

13 Q And Tyrek's cousin stayed there inside the
14 apartment? They moved inside the apartment, correct?

15 A Yeah.

16 Q Correct? They're in the living room?

17 A Yeah. Okay. I'm just saying yeah, I'm on the
18 same page---

19 Q Okay.

20 A ---you are.

21 Q So---

22 A Yeah.

23 Q Tyrek Mitchell's in the living room where he was
24 shot, and his cousin, Raheme Granger is in the living room
25 where he was shot, correct?

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A Yeah.

2 Q All right. Now, so, Tyrek told them to get out.

3 Excuse me. Tyrek was dealing -- his cousin was dealing with
4 Elmore, right?

5 A Dealing with who?

6 Q Elmore. With Smack.

7 A With Smack, yeah, whatever his name is.

8 Q With Bernard Elmore?

9 A Yeah, whatever his name, yeah.

10 Q Okay. Smack is Bernard Elmore's nickname?

11 A Whatever his name, yeah.

12 Q Is that right?

13 A I don't want to talk about him. Yeah.

14 Q Is that right?

15 A Yeah. Yeah.

16 Q Okay. All right. Thank you. All right. So,
17 he's upset and Smack was denying he had his tablet. He said
18 he didn't steal his tablet. Isn't that what he said?

19 A Right.

20 Q Okay. Was Smack upset?

21 A Scared.

22 Q He was scared?

23 A Like a female.

24 Q So, I think you testified earlier that Smack was
25 afraid he was gonna get hurt, is that right?

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A Right.

2 Q Because things were really intense inside the
3 house with them getting that tablet back, right?

4 A Right.

5 Q Is that correct?

6 A Right.

7 Q All right. So, Tyrek had taken his jacket off and
8 thrown it down, is that right?

9 A Whoa, whoa, whoa, whoa, whoa, whoa, whoa, whoa,
10 whoa. Let me tell you something else. When he came in
11 there, he had a hood on. He didn't take his jacket off the
12 first time. You trying to shift stories around. So, like,
13 you don't need to play no game with me.

14 Q So, he took his hoodie off?

15 A He never took his hoodie off.

16 Q Did he pull his hoodie down? What did he take
17 off? He took something off.

18 A He didn't never took nothing off. He came in
19 there saying what he came in, the same clothes he had on,
20 and the same shoes. So, where you getting this from?

21 Q So, you feared and Bernard feared there would be
22 violence, right?

23 A Say that again.

24 Q You feared there'd be violence as well as Bernard
25 Elmore? Smack feared there'd be violence, he was gonna get

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 hurt, right?

2 A Smack.

3 Q Right?

4 A Right.

5 Q Okay. All right. And it kept getting louder,
6 didn't it?

7 A Like I told you, the house was too packed.

8 Q But it kept getting louder?

9 A Louder, yeah. Yeah.

10 Q And they were being told to leave, and they were
11 still in there getting louder, right?

12 A Right.

13 Q Okay. Now, is that when Mel told them they better
14 get out of the house?

15 A Like I told you again, I didn't heard him say to
16 them get out the house because it was so much going on
17 talking about a tablet. How you gonna tell somebody to get
18 out the house, and there you arguing about the tablet they
19 trying to get the tablet back.

20 Q So, they were hollering about the tablet?

21 A Yes, they been arguing and---

22 Q Did you see them -- did you see Tyrek Mitchell's
23 cousin take money out of Bernard's hand for the tablet?

24 A I didn't see that part. I swear. I ain't see
25 that part. I didn't see that part.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q Did his cousin have a gun on Bernard getting that
2 money?

3 A I didn't see no gun on him at the time. I ain't
4 see no gun.

5 Q Did he get the money from -- on the door stoop?

6 A Who?

7 Q Did he get the money from Bernard, Smack, on the
8 door stoop?

9 A No money never was gotten back.

10 Q Was Bernard---

11 A How they got -- how they got a hand? No money was
12 gotten back. Nobody give nobody money back. So, they --
13 how did they escalate how things got out of hand?

14 Q Okay. Was Bernard crying cause he thought he was
15 scared he was gonna get hurt? That's the truth, isn't it?
16 He might be---

17 A You funny, boy.

18 Q Just go ahead and say it.

19 A Yeah, he was scared. He was sobbing.

20 Q He was---

21 A Sobbing.

22 Q ---crying, wasn't he?

23 A Yeah, sobbing like a female.

24 Q He was sobbing like a female?

25 A Yeah.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q Okay. Was he worried for his life---

2 A He should be worried.

3 Q ---inside that apartment---

4 A He should be worried.

5 Q ---was Bernard Elmore, Smack, worried for his
6 life?

7 MR. EVANS: May he be allowed to answer?

8 A What you say?

9 THE COURT: No, it's okay. Repeat the question.

10 Q Was Bernard Elmore, Smack, worried for his life
11 and that's why he was sobbing like a woman?

12 A Yes.

13 Q Okay. Now, it was pretty apparent Jamel was down
14 there, right? Mel was down there?

15 A Yeah.

16 Q It's his house, right?

17 A Yes.

18 Q Okay. And it's apparent he wanted everybody out
19 of the house because, as loud as it was getting, and men
20 were crying, right?

21 A I don't know. I can guess you say that. Like I
22 told you though---

23 Q Okay.

24 A ---you trying to get the best of me. I'm gonna
25 tell you this though.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q No, I asked the questions.

2 A The house was too packed.

3 Q I ask not -- that's not responsive to my question.

4 THE COURT: Okay.

5 THE WITNESS: Okay. My bad. Go ahead.

6 THE COURT: Mr. Loadholt, you just need to answer
7 his questions. Okay?

8 THE WITNESS: Okay.

9 BY MR. PLEXICO:

10 Q All right. Now, once the gun was out from Jamel,
11 didn't Tyrek Mitchell approach him and try to disarm him?
12 He tried to get the gun from him. That's what you told that
13 solicitor right there, wasn't it?

14 A See -- no. See, nobody catch you in a lie though.
15 See, Mel pull out the gun. My boy stopped right there in
16 the floor for a minute because he didn't want to go out like
17 that. You feel me?

18 Q Why didn't he go outside?

19 A Who is gonna leave, leave they tablet and they
20 came in with it? Who gonna leave they tablet?

21 Q He didn't have---

22 A Do the math.

23 Q ---money for the tablet?

24 A Do that math.

25 Q Where was Granger at? Where was his cousin---

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A Who is Granger?

2 Q ---at at the time?

3 A I don't know who that is.

4 Q When the gun came out, where was Granger at?

5 Where was his cousin at, Tyrek Mitchell's cousin?

6 A I guess out the door smoking a cigarette, yeah.

7 Out the door smoking a cigarette.

8 Q Didn't Tyrek Mitchell -- you said -- you said he
9 stood his ground, is that right?

10 A Yes, that---

11 Q You said take a life to defend a life?

12 A Yes, definitely.

13 Q That would have been Mel's life, right?

14 A But listen, I didn't see Tyrek Mitchell have a gun
15 on him. So --

16 Q What is Tyrek's gun? Is it a .38 Smith? Is it a
17 Smith---

18 A He didn't---

19 Q ---& Wesson?

20 A ---have no gun on him when I see him. He didn't
21 have no gun on him.

22 Q Okay. But his gun---

23 A He didn't have no gun.

24 Q Is his a gun a Smith & Wesson 9-millimeter?

25 A Talking about---

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q Ty Mitchell's gun is a Smith & Wesson---

2 A I just told you---

3 Q ---9-millimeter?

4 A ---he didn't have no gun. How would I---

5 Q I didn't ask about that day. I'm asking about his
6 gun. The -- what -- his normal gun is a Smith & Wesson
7 9-millimeter?

8 A I don't want to answer that. How about that?

9 Q Huh?

10 THE COURT: Sir, Mr. Loadholt, you have to say
11 yes, no, or I don't know.

12 A I don't know.

13 Q You've never seen Ty with a gun?

14 A I ain't never seen Tyrek Mitchell with that.
15 Never.

16 Q So, Ty, when the -- Jamel pulled the gun out, Ty
17 Mitchell, and others, tried to take the gun from him, is
18 that correct?

19 A First.

20 Q Huh? What?

21 A First, it wasn't nobody escalate -- involved with
22 what they had going on. It was been them two tussling for
23 the gun.

24 Q Okay. Well, do you think it occurred to Ty that
25 maybe it was time for him to walk out of the man's house?

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A No, because, if my -- you put me in -- put me in
2 his shoes. If I lost something, I'm coming back to get my
3 junk if I got to leave the wrong way or the bad way. So, I
4 don't blame him. He came there with what he brought with
5 him. So, I don't blame him not to leave with something he
6 done brought with him. What I look like leaving my stuff
7 and I know I left my stuff here? I'm not leaving no way
8 till I get my stuff and I leave. It just like that.

9 Q So, Tyrek Mitchell and his cousin's attitude was
10 they were gonna get that tablet or go out any, any way?

11 A Yes.

12 Q Come hell or high water, is that right?

13 A Yes, cause like end of day that's they property.

14 MR. PLEXICO: I don't have any other questions.

15 THE WITNESS: Okay.

16 MR. EVANS: Very---

17 THE WITNESS: Next one.

18 MR. EVANS: Very briefly, Your Honor.

19 THE WITNESS: Very briefly.

20 REDIRECT EXAMINATION

21 BY MR. EVANS:

22 Q Mr. Jamel Williams locked the door before this,
23 correct?

24 A Yes.

25 Q He was standing by the door?

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A Yes.

2 Q And where was Ty standing?

3 A Where Ty was standing? Let me, let me, let me
4 think. My mind all over the place right now. Let me think.

5 Q Take your time.

6 A I think, I think Ty was out the door when he
7 locked the door. I think he was out the door. When he
8 opened the door back, that when the escalated things pop off
9 right there and then. So, there I'm like what -- by the
10 guns, what going on, why the door locked. That when junk
11 pop off right there and then. So, Ty said he ain't leaving
12 without his tablet, and like what you said, you got thirty
13 seconds, I'm gonna air this bitch out.

14 Q Jamel Williams said that, and he -- after he had
15 locked the door. So he was standing by the door now?

16 A No, I was sitting down in the chair trying to calm
17 the junk down, and then I'm like -- I ain't gonna lie to
18 you. I'm in shock because the house was too packed, and I
19 was trying to find out what the hell going on in there, see
20 if get -- if they gonna calm down or not. That's lead to
21 something else different. You feel me?

22 Q Uh-huh. (Indicating affirmatively.) I'm gonna
23 pass you something that's been entered as State's Exhibit
24 23. That's a drawing of the apartment. Does that look
25 familiar?

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A Let me think for a minute.

2 Q You can study it.

3 (Pause.)

4 A Okay. Hold on. Let me think.

5 Q Does it look right?

6 A I caught on, yes.

7 Q Could you use that to show us where Jamel was,
8 where Ty was, and where you were when the shooting happened?

9 A Can you come here?

10 Q I can give you a pen. Would you like to draw on
11 it?

12 A No, I'm not drawing.

13 Q Okay.

14 A You drawing.

15 Q Okay. How about we point to it? I've got to hold
16 it up to show the jury though so they understand.

17 A I was right here.

18 MR. PLEXICO: May I approach to see what he's
19 doing---

20 THE COURT: You may.

21 THE WITNESS: Oh, yeah, come on.

22 MR. PLEXICO: ---before what he does, before he
23 needs to.

24 THE WITNESS: Come on. Yeah, come on. You come
25 over here too. Come on. This me.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 BY MR. EVANS:

2 Q Okay.

3 A This Ty.

4 Q Okay.

5 A What is this -- what that suppose to be? That's a
6 table?

7 Q Well, I can't really tell you anything. I can
8 only ask you questions.

9 A Okay. Yeah, I take that as a table.

10 Q You see where that says apartment entry?

11 A Yeah, I, I take---

12 Q Okay.

13 A ---that as a table. I guess he was right there.

14 Q When you say he, that's Jamel Williams?

15 A Yeah.

16 Q All right.

17 THE COURT: Anything further, Mr. Evans?

18 MR. EVANS: Beg the Court's indulgence.

19 THE COURT: Okay.

20 (Pause.)

21 MR. EVANS: That's all, Your Honor. Thank you.

22 THE COURT: Anything further, Mr. Plexico?

23 MR. PLEXICO: Yes. Briefly.

24 RE-CROSS EXAMINATION

25

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 BY MR. PLEXICO:

2 Q All right. So, you were sitting down, is that
3 right?

4 A Yeah, I was sitting down.

5 Q And you were sitting by the lamp, right?

6 A No, I wasn't sitting by no lamp. No, I was not.

7 Q Did you turn the lamp off?

8 A Can you show me that picture again one more time?

9 Q Did you---

10 A Excuse me, ma'am. Can you show me that picture
11 again?

12 Q Did you turn the lamp off?

13 A I did not turn no lamp off. I ain't grab nothing.

14 Q Okay. Then why did the lights go out?

15 A When the lights went out?

16 Q Okay. And you didn't take the gun off -- you
17 didn't take the gun off---

18 A Whoa, whoa, whoa.

19 MR. EVANS: Beyond the scope of redirect.

20 THE WITNESS: Whoa, whoa, whoa, whoa, ho, ho. Now
21 I'm about to act up in here. Now I'm about to really
22 act up in here.

23 THE COURT: Hold on. Mr. Loadholt, hold on. This
24 is outside the scope---

25 MR. PLEXICO: I understand.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 THE COURT: ---of redirect. Okay.

2 THE WITNESS: Get him.

3 THE COURT: Okay. Hold on.

4 THE WITNESS: I can---

5 THE COURT: Anything else?

6 THE WITNESS: I'm about to shoot out that door.

7 MR. PLEXICO: I have nothing further at this time.

8 THE COURT: All right. We're gonna go ahead and
9 excuse Mr. Loadholt. You can step down, sir.

10 AGENT McCALLISTER: Is he free to leave?

11 THE COURT: He's free to leave, yes. Do you want
12 to take a break?

13 MR. PLEXICO: Yes.

14 MR. EVANS: I need---

15 THE COURT: Do we need to take a break? We been
16 going with y'all for about 45 minutes or so. Do y'all
17 need a short break? Let me see the attorneys really
18 quickly.

19 MR. EVANS: Yes, ma'am.

20 THE COURT: Excuse me for a second. Y'all we're
21 not breaking yet. Sit tight. Okay.

22 (Off-the-record discussion held.)

23 THE COURT: Ladies and gentlemen, I'm trying to
24 figure out how much longer we want to go today. I know
25 you so graciously said you were willing to work till

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 6:00. We're not working that late today.

2 Okay. I can tell me that I have a very long drive
3 as well. State tells me they have a short witness that
4 they can put up right now, very quick, and then I
5 propose we then break for the day.

6 Okay. Is that acceptable, Madam Foreperson, and
7 the rest of you?

8 THE FORELADY: Yeah.

9 THE COURT: Does anyone need a quick restroom
10 break now?

11 All right. We're ready to move on. Call your
12 next witness.

13 MR. EVANS: Ronisha Hightower.

14 THE COURT: Come on forward, ma'am, right here.

15 You'll if just stay standing. Ms. Sabb's gonna swear
16 you in. Okay?

17 **Thereupon,**

18 RONISHA HIGHTOWER

19 was called as a witness, having been first duly sworn,
20 was examined and testified as follows:

21 THE COURT: All right. You are already soft
22 spoken I can tell. You can take a seat, and I just
23 need you to get kind of close to the microphone so we
24 can hear you. Okay? Thank you. Give us your name for
25 the record if you would.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 THE WITNESS: Ronisha Hightower.

2 THE COURT: Can you all hear her? I didn't --
3 well, I saw one of you. Say it one more time a little
4 louder.

5 THE WITNESS: Ronisha Hightower.

6 THE COURT: Thank you. Perfect. Just say close.
7 Okay.

8 THE WITNESS: Okay.

9 DIRECT EXAMINATION

10 BY MR. EVANS:

11 Q Ms. Hightower, would you spell your last name for
12 the court reporter please?

13 A H-I-G-H-T-O-W-E-R.

14 Q Ms. Hightower, where do you live?

15 A In Allendale.

16 Q Okay. Do you know Jamel Williams?

17 A Yes.

18 Q Who is he to you?

19 A He's my cousin.

20 Q All right. Where in Allendale do you live?

21 A A couple of streets over on Jackson Street.

22 Q Do you live -- is that Pinewood Apartments?

23 A No, sir.

24 Q Do you have family that lives or did live there?

25 A Yes.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q Where -- who lives there or lived there?

2 A My sister stayed there and my mom now resides
3 there.

4 Q Who was your sister that stayed there?

5 A Latoya Patterson.

6 Q Okay. What apartment did she live in? Do you
7 know? Do you remember?

8 A [REDACTED] if I'm not mistaken.

9 Q All right. Do you remember the events of
10 March 21st, 2018?

11 A Yes, sir.

12 Q Can -- what can you tell us about that night?

13 A I went over there to get my hair done.

14 Q Over there meaning your sister's apartment?

15 A Yeah---

16 Q [REDACTED]?

17 A ---to my sister's house to -- for my sister to do
18 my hair, and everything was going good until it was like
19 this little crowd that came in about a tablet getting
20 stolen.

21 Q Okay.

22 A It was---

23 Q Who let them in?

24 A You say who let them in?

25 Q Uh-huh. (Indicating affirmatively.)?

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 A I have no idea.

2 Q All right.

3 A The majority of the time I was in the kitchen.

4 Q Now, let me backtrack a little bit. Your cousin,
5 Jamel Williams, is he in the courtroom today?

6 A Yes.

7 Q Can you tell us what he's wearing, and where he's
8 sitting?

9 A He's sitting to my, my right with a white shirt
10 on.

11 Q Okay. The gentlemen that just stood up?

12 A Uh-huh. (Indicating affirmatively.)

13 Q All right. Did he live there?

14 A Majority of the time when I was there he was
15 there.

16 Q Majority of the time, but not all the time?

17 A Yeah. Whenever I was there he was there.

18 Q Do you know if he had a room of his own?

19 A Say that again.

20 Q Do you know if he had a room of his own?

21 A He probably did.

22 Q Do you know if he got his mail there?

23 A No, I don't know that.

24 Q Do you know what his driver's license said?

25 A No.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q All right. Was he there on March 21st, 2018?

2 A Yes.

3 Q He was. Who else was there? You told us a little
4 bit, but anybody else you can name?

5 A It was Jamel Williams. It was me, both my
6 sisters, my nephews, Marcus Tate, and it was a few other
7 people I didn't have no name of because I didn't know.

8 Q Do you know a young man named Tyrek Mitchell?

9 A No.

10 Q Did you come to find out who that was?

11 A Yes, sir, that's the little guy that got killed.

12 Q After the fact?

13 A Yeah.

14 Q Did you see anybody with him?

15 A Some -- a guy came with him. He said he was his
16 cousin.

17 Q Do you see him in the courtroom?

18 A No. No, I don't see him.

19 Q All right. Were they the ones arguing about the
20 tablet?

21 A They -- it, it started out as a conversation
22 trying to see who had the tablet. Then, eventually, it
23 became an argument.

24 Q Was it a violent fight?

25 A No.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q Did anybody have a gun that you saw?

2 A No.

3 Q Did anybody make any threats of violence?

4 A No, sir.

5 Q Did you fear for your safety or anybody else's?

6 A At that point in time, no, sir.

7 Q Did you or your family ask anybody to leave?

8 A They were trying to get them. Ja -- as a matter
9 of fact, Jamel was trying to get them to leave.

10 Q Okay. And what happened then?

11 A Everybody was migrating to the living room, which
12 I was still in the kitchen, which I couldn't see what was
13 going on in the living room. But he was trying to get
14 everybody out of the house because the kids was in there,
15 and then it was quite a bit of people, and it looked like it
16 could turn into an altercation, but, at the time, it wasn't.

17 Q Okay. How was -- did -- how would you describe
18 the attitude of the cousin and the young man that was
19 eventually killed?

20 A The cousin was actually calm.

21 Q He was calm?

22 A Yeah, he was calm. He---

23 Q Did you have any reason to fear him?

24 A Nope. He apologize about the, the, this -- well,
25 however it was going, he was -- he apologize about them

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 being there. The only thing he say he wanted was his tablet
2 back.

3 Q And how about the young man who was eventually
4 killed?

5 A He was, he was very excited. Like he was very
6 hype.

7 Q Okay. Did he make any -- I assume this or I guess
8 but did he make any threats?

9 A No, sir.

10 Q Did you see a gun on him?

11 A No, sir.

12 Q How about the guy from New York?

13 A No, sir.

14 Q You already told us that you saw eventually that
15 he was killed. Did you see what happened?

16 A No, sir.

17 Q You did not. Why is that?

18 A Because when we heard -- I was in the kitchen when
19 we heard gunshots, and we went back towards the back room
20 because that's why I felt we were more safe at because I
21 did, at the time, my nephew was probably like one. So, I'm
22 trying to make sure they're good. So, we went towards the
23 back room, and we didn't come back out until I didn't hear
24 any -- well, we didn't hear anything else, and then, when we
25 came out of the room, that's when we seen him on the floor.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q I know you didn't see the shooting. Could you
2 hear anything before the shooting?

3 A No, everything got silent. That was it.

4 Q Everything got silent?

5 A Yeah.

6 Q Okay. You had no reason to expect it?

7 A No.

8 Q Did you see your cousin when you came out and
9 looked at what was going on?

10 A No, sir, only people was let in the house was me,
11 my sister, the kids, and the young guy that was on the
12 floor.

13 MR. EVANS: That's all the questions I have, Your
14 Honor. Please answer any questions Mr. Plexico may
15 have.

16 A Okay.

17 THE COURT: Mr. Plexico.

18 CROSS EXAMINATION

19 BY MR. PLEXICO:

20 Q Thank you for coming, ma'am. So, you said Jamel
21 was trying to get them out of the house and get them gone?

22 A Yes, sir.

23 Q Okay. And one of them was hyped, is that correct?

24 A Yes, sir.

25 Q Did you see Bernard Elmore, Smack, in there? Do

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 you know him?

2 A I don't really, really know him, but, yes, sir, I
3 see him.

4 Q You know who the person is?

5 A Yeah.

6 Q Well, was he upset?

7 A No.

8 Q Was he being accused of stealing the tablet?

9 A Yes.

10 Q All right. Did you see any money change hands?

11 A No.

12 Q Okay. All right. Did -- you have two sisters, is
13 that correct?

14 A Yes, sir.

15 Q And what are their names?

16 A Laquia Patterson.

17 Q Laquia.

18 A Yes, sir.

19 Q Did you hear Laquia tell them to get out of the
20 house, to go, take that mess somewhere else?

21 A Yes.

22 Q Did she do that repeatedly?

23 A Yes, sir.

24 Q Okay. Who is your other sister?

25 A Latoya Patterson.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q Latoya. Did Latoya tell them to take that mess
2 outside --

3 A She was---

4 Q -- to get out?

5 A She was currently outside. She was trying to
6 figure out what was going on.

7 Q Did she tell them to get out, take that mess
8 somewhere else?

9 A Yes, sir.

10 Q Did any of them listen to them?

11 A No.

12 Q When Jamel told them to leave, did anybody listen
13 to Jamel?

14 A No.

15 Q So, the people who had authority in the house,
16 that would be Jamel, and your two sisters --

17 A Yes, sir.

18 Q -- there's nobody left with authority, is there?

19 A No.

20 Q Aside from the children?

21 A Well, yeah.

22 Q All right. And what's Mel's role over there? Is
23 he the paid babysitter?

24 A He---

25 Q Does he get the vouchers to look after the

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 children?

2 A Yeah.

3 Q Okay. So, he gets, get the children, helps get
4 the children up in the morning, get them dressed, get them
5 safely to the bus, right?

6 A Yes, sir.

7 Q He picks them up off the bus, helps them with the
8 homework?

9 A Yes, sir.

10 Q Okay. And he does stay there, right?

11 A Yeah, majority of the time he's there.

12 Q Okay. All right. You don't know of any other
13 place he lives, right?

14 A No.

15 Q Okay. All right. And he takes that
16 responsibility of those little children, he takes that very
17 seriously, doesn't he?

18 A Yeah.

19 Q Okay. And y'all are proud, proud of your cousin
20 for helping out with the children so y'all can work, right?

21 A Yes, he, he does a good job with them.

22 Q Okay. All right. You said everybody was trying
23 to calm down Tyrek Mitchell, is that correct, cause he was
24 so hyped?

25 A Yes, sir.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Q Okay. Did it do any good?

2 A No.

3 Q Okay. All right. Did he throw off his jacket at
4 any time?

5 A No, sir.

6 MR. PLEXICO: Okay. Court's indulgence.

7 (Pause.)

8 BY MR. PLEXICO

9 Q The children were there that day, right?

10 A Yes, sir.

11 Q Okay. All right. Were any of the children,
12 children upset about all the ruckus that was going on?

13 A They were. That's why I made sure that we, I --
14 they went back in towards---

15 Q You got them?

16 A ---to the back room. I migrated them towards the
17 back room --

18 Q All right.

19 A -- because of it.

20 Q It was so bad you didn't want children around?

21 A Yeah.

22 Q Okay. And the children were crying?

23 A They -- yeah, they were a little. So, they got
24 upset.

25 MR. PLEXICO: Okay. I don't have anything

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 further.

2 REDIRECT EXAMINATION

3 BY MR. EVANS:

4 Q So, the children weren't in the room when the
5 shooting took place?

6 A When the shooting -- when they were in the -- all
7 of us was in the kitchen, and when the shooting started, we
8 got them and put them in the back room.

9 Q The shooting was in a different room when -- from
10 where -- the children were in the kitchen --

11 A Yeah.

12 Q -- and the shooting was in the living room?

13 A Yeah.

14 MR. PLEXICO: Okay. Thank you.

15 THE COURT: Anything further, Mr. Plexico?

16 MR. PLEXICO: I have nothing further, Your Honor.

17 THE COURT: Okay. You may step down, ma'am.

18 Any objection to this witness being excused?

19 MR. EVANS: None at all.

20 THE COURT: From the State, defense?

21 MR. PLEXICO: Not at all.

22 THE COURT: You're excused, ma'am. Thank you.

23 THE WITNESS: You're welcome.

24 THE COURT: You can step down.

25 All right. Ladies and gentlemen, 10:00 tomorrow?

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 Does that sound good?

2 Yes. Is that okay?

3 Ladies and gentlemen, even though we've gone a
4 little slower than I thought today, we are still on
5 track to finish this case by Thursday. I just wanted
6 to let you know that. Also, I wanted to let you know
7 that your Clerk of Court, Ms. Sabb, has graciously
8 agreed to bring lunch in for you tomorrow so you'll be
9 able to eat here. I'm not sure what it will be yet,
10 but I just want to let you know. So, you can expect
11 that we will take a lunch break, but she will bring in
12 things, and tomorrow she'll probably give you a menu,
13 correct?

14 THE CLERK: Yes.

15 THE COURT: Okay. So, ladies and gentlemen, I
16 need to caution you like I always do every time we
17 part. Do not discuss this case with anyone, including
18 each other. Don't do any independent research. Don't
19 anything, write anything about this on any type of
20 social media. If anyone in any way tries to contact
21 you or try to talk to you about anything involving this
22 case, you are to immediately come in and tell me. You
23 understand that?

24 All right. Y'all, I appreciate it. I look
25 forward to seeing you-all 10:00 tomorrow morning where

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 we will promptly begin.

2 Okay. Thank you. You're excused.

3 (The jury exits the courtroom at 4:11 p.m.)

4 THE COURT: Stay. Stay. Let's just let the jury
5 get into their car before everyone else leaves. So, if
6 deputies, I never told you to, and I apologize. I
7 don't need to be contracting them. I just want to make
8 sure we don't have any issues. You-all sit tight. I
9 want to make sure everyone just feels comfortable.

10 Okay.

11 MR. PLEXICO: Okay.

12 THE COURT: Let's just slow down. Okay. Let's
13 let the jury get in -- pardon?

14 THE DEPUTY: 9:00.

15 THE COURT: 10:00. 10:00. All right. Let's just
16 sit tight. Just let them get to their cars.

17 MR. PLEXICO: My client is emotionally distraught
18 and would like to tell the Court of the threats that
19 Sammy Chisholm has made to his mother and we would ask
20 that -- for the jury---

21 THE COURT: Okay. He can't tell me, but his
22 mother certainly can. So, if I need to go ahead and
23 take testimony from her, I'm happy to do that.

24 MR. PLEXICO: Okay.

25 THE COURT: Him telling me what someone said to

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 his mother is hearsay, and I'm not listening. So, if
2 his mother would like -- if you want to go speak with
3 her, if she would like to give testimony.

4 MR. PLEXICO: Well, the agents reported this to
5 you if you want to have a hearing or something tomorrow
6 then about all of this.

7 THE COURT: I want to make sure she's safe. I
8 mean if you're saying that someone's threatening her,
9 I, I want to make sure she's safe.

10 MR. PLEXICO: The SLED agent would,
11 Ms. McCallister, reported that earlier to me.

12 THE COURT: What are you asking me for, Mr.
13 Plexico?

14 MR. PLEXICO: Provide her some type of protection
15 because my client's just emotionally distraught about
16 safety.

17 THE COURT: He's concerned for his mother's
18 safety?

19 MR. PLEXICO: Yes.

20 THE COURT: Okay. Well then I need her to get up
21 here. I need her to testify, and then I'm gonna have
22 her talk to an agent or an officer to see how we can
23 best protect her as well.

24 Okay. So, does she want to testify?

25 MR. PLEXICO: I don't know where she is.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 THE COURT: I don't either.

2 MR. PLEXICO: All I know is want Ms. McCallister
3 said. Well, do you want---

4 THE COURT: See, do this. Let's just do this.
5 We're gonna take five minutes.

6 MR. PLEXICO: Yes, ma'am.

7 THE COURT: You go talk to her. Okay?

8 MR. PLEXICO: Yes, Your Honor.

9 THE COURT: Okay. And if she wants to come
10 forward and talk with her son as well, she can do that,
11 y'all. Okay. I'm just -- everyone's gonna be good.
12 Everyone is just gonna calm down and be good. She can
13 come talk to her son. I just need you-all to take five
14 minutes, decide if she does want to testify. I'm gonna
15 be back in five minutes. I think, at this point, they
16 can either stay or go if they want. I just think we
17 can let people start going. If they want to stay and
18 testify, I presume these people are gonna stay. It's
19 up to them.

20 If she would rather think about it overnight, if
21 she wants to do it tomorrow, that's fine. I just, Mr.
22 Plexico, can't do anything to protect her unless she
23 testifies that she actually has had a threat. Like I
24 said, I'm gonna step down for five minutes. I want to
25 give her just a little moment. Okay? Okay.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 (Brief recess.)

2 THE COURT: Just very quickly, it's my
3 understanding, Mr. Plexico, from our Clerk of Court,
4 the defendant's mother does not wish to testify at this
5 time, is that correct?

6 MR. PLEXICO: Yes, Your Honor. She did not hear
7 any threats. It was her son and she promptly sent her
8 son away, and the threat was not a threat toward her or
9 her son. But if he is found not guilty, apparently he
10 will be a dead man according to Mr. Sammy Chisholm
11 Patterson who, by the way, signed into the courthouse
12 today as Sammy Chisholm.

13 THE COURT: Okay. Okay.

14 MR. PLEXICO: And unless he's found not guilty, we
15 have no problems at all.

16 THE COURT: Okay. All right. It's been quite a
17 day. Ladies and gentlemen, if anyone has any problems,
18 just please make sure you call law enforcement, okay,
19 if anyone has any issues whatsoever. But everyone just
20 be safe, and we're starting back with the jury tomorrow
21 at 10:00 a.m. I'm gonna ask the attorneys to be here
22 at about 9:30 or so. We can take up anything we need
23 to. Do you have all of your witnesses coming tomorrow
24 so we will be able to be on track?

25 MR. EVANS: Yes, ma'am, all of the rest are coming

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 tomorrow. We're gonna lead off, even though it's a
2 little out of chronological order, with Dr. Ross
3 because she's double booked. She has to go to Aiken
4 after we're done with her. But I haven't talked to
5 Steve about this, but I don't imagine he'll have as
6 much for her. We only have six photos --

7 THE COURT: Okay.

8 MR. EVANS: -- three wounds. She's fast anyway.
9 I can't imagine she'll take long.

10 MR. PLEXICO: And that's, that's the least of our
11 worries.

12 MR. EVANS: Not an issue in the case.

13 MR. PLEXICO: I don't think we have anymore direct
14 eye witnesses.

15 THE COURT: Okay. Thank you. Okay. I'll see the
16 attorneys at 9:30 tomorrow.

17 MR. EVANS: Thank you.

18 THE COURT: We can handle that. Okay?

19 MR. PLEXICO: Yes, Your Honor.

20 (Trial adjourned for the day. Proceedings
21 continue on January 8, 2020.)

22 * * *

23

24

25

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 THE COURT: All right. Mr. Plexico, and Mr.
2 Evans, it's my understanding that a juror, Juror Number
3 227, asked to speak with Ms. Sabb this morning, that
4 she had a concern. She says that she -- had two
5 issues. First that she is having terrible pain with
6 her sciatica, and that secondly, she realized, my
7 understanding is, that she went to school or grew up
8 with the Defendant's mother. And she just absolutely
9 does not feel comfortable sitting on this case. And
10 that she basically cried all night realizing that. So,
11 I'm gonna bring her out here. I'm gonna have her
12 testify and we'll see what she says. If that, in fact,
13 is what it is, we'll go from there. Okay?

14 MR. PLEXICO: Yes, Your Honor.

15 MR. EVANS: Thank you, Your Honor.

16 THE COURT: Okay. Let's bring her out.

17 (Juror enters the courtroom.)

18 THE COURT: Good morning, Ms. Outing. Ma'am, it's
19 my understanding that you asked to speak with Miss --
20 you can stay right there -- that you asked to speak
21 with Ms. Sabb this morning, is that correct?

22 THE JUROR: (Nod.)

23 THE COURT: Is that a yes?

24 THE JUROR: Yes.

25 THE COURT: All right, ma'am. I need to put you

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 under oath, and just ask you what that conversation was
2 about. Just raise your right-hand if you would.

3 Thereupon,

4 WANDA OUTING

5 was called as a witness, having been first duly sworn,
6 was examined and testified as follows:

7 THE JUROR: Yes.

8 THE COURT: Thank you, ma'am. Okay. Go ahead.
9 What would you like to tell me?

10 THE JUROR: My sciatic never has---

11 THE COURT REPORTER: I'm sorry, Your Honor, I
12 can't hear her.

13 THE COURT: You need to speak up for the court
14 reporter.

15 THE JUROR: My sciatic nerve flared-up on me.

16 THE COURT: Okay. It's also my understanding that
17 you think, at this point, you do know the Defendant's
18 mother; is that correct?

19 THE JUROR: Yes.

20 THE COURT: How do you know her?

21 THE JUROR: Grew up together.

22 THE COURT: You grew up together?

23 THE JUROR: Nod.

24 THE COURT: Was that here in Allendale?

25 THE JUROR: Yes.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 THE COURT: My question to you is: Can you sit on
2 this jury and be fair and impartial to both the State
3 and the Defendant?

4 THE JUROR: No.

5 THE COURT: Are you sure?

6 THE JUROR: Yes, I'm sure.

7 THE COURT: All right, ma'am. I'm gonna go ahead
8 and excuse you from the trial of this case. You are
9 not to speak with anyone in regards to this case until
10 the entire thing is over with. Do you understand that?

11 THE JUROR: Yes.

12 THE COURT: Okay. Thank you.

13 (Juror exits the courtroom.)

14 THE COURT: All right. Anything further before we
15 begin---

16 MR. EVANS: Your Honor?

17 THE COURT: ---for this morning?

18 MR. EVANS: Your Honor, Mr. Plexico -- our next
19 witness is Dr. Ross, the pathologist, who is here and
20 ready to go.

21 THE COURT: Okay.

22 MR. EVANS: Mr. Plexico indicates he's going to
23 object to all six of my photos, proposed photos. So, I
24 have those ready for you.

25 THE COURT: Okay.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 MR. EVANS: And I would, if they're admitted, I
2 would do the same way we did with the scene photos
3 where they're entered physically, and published on the
4 screen.

5 THE COURT: Okay.

6 MR. PLEXICO: I misspoke, Your Honor.

7 MR. EVANS: Oh.

8 MR. PLEXICO: I do not oppose the, the drawing.

9 THE COURT: Uh-huh. (Indicating affirmatively.)

10 MR. PLEXICO: I do not oppose the picture of the
11 bullet, but I believe there are four photographs of the
12 decedent, which are stark, shocking to the conscious,
13 and completely unnecessary when the drawing shows the
14 location of the wound. That's nothing but for drama
15 and bring emotions to the -- and, you know, up from the
16 jury, and they're completely unnecessary.

17 THE COURT: So I understand, gentlemen, it was
18 three shots that were in this decedent; is that
19 correct?

20 MR. EVANS: Yes, ma'am, there were three wounds.

21 THE COURT: Okay.

22 MR. EVANS: One, one is through and through in the
23 head.

24 THE COURT: Uh-huh. (Indicating affirmatively.)

25 MR. EVANS: A second that went into the head from

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 which the projectile was removed in surgery.

2 THE COURT: Uh-huh. (Indicating affirmatively.)

3 MR. EVANS: And a third in the -- I think it's the
4 left arm, which is a through and through. You can see
5 the two photographs of that, one entry and one exit.
6 There are a lot of other photographs that I thought Mr.
7 Plexico would correctly oppose as being too shocking.
8 Like from when the operation actually went on to remove
9 the projectile, that, that I knew was going to be quite
10 over the line. I haven't asked to enter any of the
11 photos depicting Mr. Mitchell's entire body with the
12 life-saving apparatus attached to him. I thought that
13 would be uncomfortable for the jury. I haven't even
14 shown his whole face.

15 THE COURT: Okay.

16 MR. EVANS: I'm trying to make---

17 THE COURT: I can tell you---

18 MR. EVANS: ---it as clinical as I can.

19 THE COURT: ---that I am going to -- I'm gonna
20 allow all of these except the one where you can see
21 partial of his eye. I don't think that is any
22 different than the one that is a closer-up of his
23 forehead. So, I'll give these to you. Come---

24 MR. EVANS: Yes, ma'am.

25 THE COURT: These I'm gonna allow to be

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 introduced. I don't think they're prejudicial, and
2 they don't show him.

3 MR. PLEXICO: Will you hold up the one that you're
4 excluding?

5 MR. EVANS: I'm gonna show it to you.

6 THE COURT: That I'm not gonna include?

7 MR. PLEXICO: Yes, ma'am.

8 THE COURT: That's the one I'm not going allow.

9 MR. EVANS: Which is premarked -- oh, I did not
10 pre-mark them.

11 THE COURT: None of them are premarked, yeah.

12 MR. EVANS: I'm sorry.

13 THE COURT: Okay. Okay. So, correct me if I'm
14 wrong, so it -- was it two to the head and one to the
15 arm?

16 MR. PLEXICO: That is correct, Your Honor.

17 THE COURT: So, it's two to the head, and one to
18 the arm. I, I think at, bare issue, you need to be
19 able to show the ones to the head and the other one to
20 the arm.

21 What is the other middle -- it looks like it's a,
22 a---

23 MR. EVANS: One of the head shots has an entry and
24 an exit.

25 THE COURT: Okay.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 MR. EVANS: The other head shot has only an entry.

2 THE COURT: Okay.

3 MR. EVANS: So that's why there appear to be
4 three -- well, there are three wounds---

5 THE COURT: Okay. Okay.

6 MR. EVANS: ---from two shots.

7 THE COURT: Okay.

8 MR. EVANS: And that will be told.

9 THE COURT: Okay.

10 MR. EVANS: And I'll just show Mr. Plexico that I
11 am, in fact, deleting from my computer file the
12 excluded one.

13 THE COURT: Okay.

14 MR. EVANS: And with that, we are ready for
15 Dr. Ross.

16 THE COURT: Okay.

17 MR. EVANS: Although we do have one other matter
18 for Your Honor to discuss at the bench with Special
19 Agent McCallister.

20 THE COURT: Okay. Come on.

21 MR. PLEXICO: You want to do that right now?

22 THE COURT: Yes.

23 (Off-the-record discussion held.)

24 AGENT MCCALLISTER: So, last night, Ms. Breland,
25 the mother of Joe Loadholt, she called me. It seems

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 that there's another Williams brother named Jaquay who
2 was in town last night visibly seen with guns who is
3 upset that Mr. Loadholt testified.

4 THE COURT: Okay.

5 AGENT MCCALLISTER: I asked her for a statement.
6 Nobody, so far, is willing to come forward.

7 THE COURT: Okay.

8 AGENT MCCALLISTER: But we did want to let you
9 know that there's possibly potentially another issue
10 with another brother.

11 THE COURT: Okay.

12 MR. EVANS: He was in---

13 AGENT MCCALLISTER: I don't know how---

14 MR. EVANS: He was in Court briefly yesterday.

15 AGENT MCCALLISTER: Yeah, I just wanted---

16 MR. EVANS: Not just for -- I don't think he's
17 here today.

18 AGENT MCCALLISTER: I don't see him this morning.
19 He has like dreadlocks that are kind of long, and he
20 was dressed in all red.

21 MR. PLEXICO: Judge?

22 THE COURT: I do not see him.

23 MR. PLEXICO: I mean to lock up people on the word
24 of Joe Loadholt---

25 MR. EVANS: We're not asking---

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 MR. PLEXICO: ---and his family is preposterous.

2 AGENT MCCALLISTER: Yeah. No, we're not -- I'm
3 not---

4 MR. EVANS: We're not asking for that. We just
5 want you to---

6 AGENT MCCALLISTER: I don't have any statements.

7 MR. EVANS: ---know.

8 THE COURT: Right. There's no---

9 AGENT MCCALLISTER: We just want you---

10 THE COURT: Okay.

11 MR. PLEXICO: He appeared calm to me.

12 THE COURT: Well, he didn't threaten anyone as of
13 yet. So, I'm not --

14 MR. EVANS: Yes, ma'am.

15 THE COURT: The only reason why the other brother
16 got locked up was because he actually, to this
17 Defendant, said if you testify, I will kill you.

18 MR. PLEXICO: But you got to believe Joe to
19 believe the last threat.

20 AGENT MCCALLISTER: Well, there was a threat made
21 in the summer by Jaquay along the same lines.

22 THE COURT: Okay.

23 AGENT MCCALLISTER: But nothing recent---

24 THE COURT: Okay.

25 AGENT MCCALLISTER: ---since the summer. So --

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 THE COURT: Okay.

2 MR. EVANS: Thank you, Judge.

3 THE COURT: All right.

4 MR. EVANS: We're ready.

5 THE COURT: Okay. Oh, come back here really
6 quickly, y'all. Mr. Plexico.

7 MR. PLEXICO: Yes, Your Honor.

8 THE COURT: Just very quickly. We're looking.
9 We're not sure if someone is entitled to the bond
10 within 24 hours or 48 hours after being put under
11 arrest.

12 MR. PLEXICO: Well, generally it's -- the Supreme
13 Court says you're suppose to hold them twice a day, and
14 you would have to purposefully skip somebody if you --
15 they're in jail, and you don't give them a bond, then
16 there would be a reason---

17 THE COURT: Let me ask you.

18 MR. PLEXICO: ---why you ignored the Supreme
19 Court's order.

20 THE COURT: Is there a magistrate here that can
21 set it?

22 AGENT McCALLISTER: It would be Judge Chaney or
23 Judge Branch.

24 MR. PLEXICO: Sure. They're here twenty---

25 THE COURT: They're here at the time.

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 MR. PLEXICO: They do Court---

2 MR. EVANS: Yes, ma'am.

3 MR. PLEXICO: They do bond hearings twice a day.

4 Oh, and actually the Sheriff and the Chief of
5 Police are in the -- are over here.

6 THE COURT: Uh-huh. (Indicating affirmatively.)

7 AGENT McCALLISTER: He would have to be brought
8 from Hampton.

9 THE COURT: Right.

10 AGENT McCALLISTER: But I can get with them to see
11 if they can hold the bond. Usually Judge Branch --
12 isn't it Judge Branch?

13 MR. PLEXICO: Judge Branch generally does all the
14 bond orders.

15 THE COURT: Okay. Okay. Have him do it if that's
16 okay.

17 MR. EVANS: I think that will be fine.

18 THE COURT: Okay. And I'd appreciate that. I
19 just want to make sure. My consideration also is, does
20 any public defenders go to bond hearings?

21 MR. PLEXICO: We don't do bond hearings. There's
22 no staff for it, Judge.

23 AGENT McCALLISTER: And---

24 THE COURT: I know there's no staff for it, but
25 quite frankly I believe people should have

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 representation.

2 MR. EVANS: Like I---

3 MR. PLEXICO: Well, I wish I could.

4 MR. EVANS: Judge, I'm---

5 THE COURT: I know.

6 MR. EVANS: I'm more than happy to bring him back
7 on Thursday after---

8 THE COURT: We need to do it today.

9 MR. EVANS: ---this morning. No, I'm saying---

10 THE COURT: Oh.

11 MR. EVANS: ---do the hearing.

12 THE COURT: Oh, okay.

13 MR. EVANS: And another hearing where he's
14 appointed.

15 THE COURT: Okay.

16 MR. EVANS: And then a spontaneous.

17 THE COURT: Okay.

18 MR. PLEXICO: Well, I don't see any rush. We can
19 just have it done in the normal course.

20 THE COURT: Just have Judge Branch---

21 MR. EVANS: Okay.

22 THE COURT: ---do it. Perfect.

23 AGENT McCALLISTER: The one issue with that is
24 because the warrant, warrants we're getting signed
25 tomorrow, but technically it would be my case. I would

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 like to attend the bond.

2 THE COURT: That's fine.

3 AGENT McCALLISTER: I don't know when---

4 THE COURT: You just tell me what time it is, and
5 we'll take a break.

6 AGENT McCALLISTER: Okay.

7 THE COURT: Okay.

8 MR. PLEXICO: They have afternoon bond hearings---

9 THE COURT: What time is that?

10 MR. PLEXICO: ---and she ought to be done pretty
11 early.

12 AGENT McCALLISTER: I think it's---

13 MR. PLEXICO: Usually they're done at 5:30 or
14 something. Maybe 4:00.

15 AGENT McCALLISTER: 4:00 -- it's between 4:00 and
16 5:00.

17 THE COURT: Is that a -- that's fine.

18 MR. PLEXICO: All right.

19 THE COURT: Okay.

20 AGENT McCALLISTER: Okay.

21 THE COURT: Thank you. I appreciate it.

22 (Pause.)

23 THE COURT: I need the attorneys one more time
24 please.

25 (Pause.)

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 MR. EVANS: There's one potential witness who's in
2 the courtroom I believe, Timothy Myers.

3 MR. PLEXICO: Who is it?

4 MR. EVANS: Timothy Myers.

5 MR. PLEXICO: Oh, okay.

6 THE COURT: Who is it?

7 MR. PLEXICO: Well, I told him he was to be here
8 at 11:30. So, do we want to sequester him?

9 THE COURT: Be honest, that's---

10 MR. EVANS: Yes, please.

11 THE COURT: ---within reason.

12 MR. PLEXICO: I don't. We've talked to him.

13 MR. EVANS: I know I'm not.

14 MR. PLEXICO: If you want to---

15 MR. EVANS: But he would be your witness. He's
16 not on my list, so --

17 MR. PLEXICO: Okay.

18 THE COURT: I don't know who he is.

19 MR. PLEXICO: Well, if you want to talk to him.

20 THE COURT: You want to go talk to him?

21 MR. PLEXICO: I'd like to talk to him.

22 MR. EVANS: I imagine---

23 MR. PLEXICO: If you want to talk to him too.

24 MR. EVANS: Okay.

25 THE COURT: Why don't you both go take five

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 minutes and go see. Okay.

2 MR. PLEXICO: Okay.

3 THE COURT: I don't know who he is.

4 MR. PLEXICO: That's why I didn't want the
5 sequestration order.

6 THE COURT: I appreciate it. Thank you. Thank
7 you, Gary.

8 We're gonna take just about ten minutes total.
9 You both get an opportunity to talk to him, and then
10 we'll bring the jury in. Okay. We'll be at east until
11 then.

12 (Brief recess.)

13 THE COURT: All right. Are we ready to go? I
14 know we -- you need to get Dr. Ross out of here.

15 MR. EVANS: Yes, ma'am.

16 THE COURT: Okay. Let's go ahead and -- where's
17 Steve?

18 MR. EVANS: I could not tell you, Judge.

19 THE COURT: Okay. We need Mr. Plexico.

20 MR. PLEXICO: Right here. Judge, sorry.

21 THE COURT: Okay. Thank you.

22 MR. PLEXICO: Your Honor, for the record---

23 THE COURT: Mr. Plexico, ready to go?

24 MR. PLEXICO: Yes, for the record, we do not
25 oppose the removal of the jury. We understand how

DIRECT EXAMINATION OF JOE LOADHOLT BY MR. EVANS

1 emotional and stressful it is. My client does not want
2 to put her under any emotional distress.

3 THE COURT: Thank you, sir.

4 MR. PLEXICO: Thank you.

5 THE COURT: Okay. Let's go ahead and bring the
6 jury in.

7 (The jury enters the courtroom.)

8 THE COURT: Good morning, ladies and gentlemen.
9 It is a pleasure to see you-all. Ms. Doe? Ma'am, I
10 had to release another juror. So, you are now a part
11 of this jury. As I told you, that's why we have
12 alternate jurors. So, thank you.

13 I also say that, ladies and gentlemen, because
14 that was my last alternate, so I can't lose anyone
15 else.

16 All right. So, ladies and gentlemen, we're gonna
17 go ahead and continue with the State's testimony and
18 witnesses this morning.

19 Mr. Evans, if you'll call your first witness for
20 the morning.

21 MR. EVANS: The State calls Dr. Ross.

22 Thereupon,

23 JANICE ROSS

24 was called as a witness, having been first duly sworn,
25 was examined and testified as follows:

DIRECT EXAMINATION OF JANICE ROSS BY MR. EVANS

1 THE COURT: Good morning.

2 MR. EVANS: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MR. EVANS:

5 Q Doctor, would you please identify yourself for the
6 Court, and spell your last name?

7 A Janice Edwards Ross. R-O-S-S.

8 Q And where do you work, Dr. Ross?

9 A I'm currently in Charleston. I was in Newberry
10 through 2018 with the Newberry Pathology Associates.

11 Q What kind of doctor is a pathologist?

12 A A pathologist is a physician. I've been through
13 four years of college, and four years of Medical School, and
14 at least five years of training in the field of pathology.
15 In the field of pathology, as opposed to surgery or
16 peiatrics, we learn how to identify and diagnose diseases by
17 use of a microscope. We use blood work to identify and
18 diagnose diseases, and we learn how to do an autopsy to find
19 the cause of death.

20 A forensic pathologist is further trained to
21 perform autopsies concerning legal, legal matters, and find
22 a cause of death and the manner of death by identifying
23 patterns of injury. We also, during the path -- forensic
24 autopsy, draw blood for toxicology, and other fluids, take
25 photographs, et cetera.

DIRECT EXAMINATION OF JANICE ROSS BY MR. EVANS

1 Q And how many autopsies have you performed in your
2 career?

3 A Over 14,000.

4 Q About how many times have you testified in a
5 courtroom like this?

6 A Over 250 times.

7 Q And were you qualified as an expert in forensic
8 pathology on those occasions?

9 A Yes, sir.

10 MR. EVANS: Your Honor, the State would tender
11 Dr. Ross as an expert in the field of forensic
12 pathology.

13 THE COURT: Any objection?

14 MR. PLEXICO: No, Your Honor.

15 THE COURT: Ladies and gentlemen, in this case
16 Dr. Ross is being qualified as an expert witness in the
17 area of forensic pathology. That allows her to give
18 her opinion, and the reasons for her opinion. And
19 that's to assist you, ladies and gentlemen, in your
20 determination in this case.

21 MR. EVANS: Thank you, Your Honor.

22 BY MR. EVANS:

23 Q Dr. Ross, did you have occasion, in 2018, March of
24 that year, to perform an autopsy on Tyrek Mitchell?

25 A Yes.

DIRECT EXAMINATION OF JANICE ROSS BY MR. EVANS

1 Q What brought that about?

2 A The -- we do autopsies for the Coroners of the
3 state -- of the counties of South Carolina. And Allendale
4 County Coroner called to ask us to and authorized us to do
5 an autopsy on Tyrek Mitchell. They bring us the patient to
6 the morgue at then Newberry Pathology -- Newberry County
7 Memorial Hospital where we perform the autopsy.

8 Q All right. And do you document any of your
9 findings?

10 A Yes.

11 Q How do you do that?

12 A Written report.

13 Q Okay. Any other ways?

14 A Photographs.

15 Q You take photographs?

16 A Yes. Uh-huh. (Indicating affirmatively.)

17 MR. EVANS: Do you want to see them?

18 MR. PLEXICO: I've seen them.

19 MR. EVANS: May I approach, Your Honor?

20 THE COURT: You may.

21 BY MR. EVANS:

22 Q Doctor, I'm gonna hand you five items, I think it
23 is, and ask you -- I'll ask you if you can identify those.

24 A Yes, these -- this is a diagram from the autopsy
25 and photographs from the autopsy of Tyrek Mitchell.

DIRECT EXAMINATION OF JANICE ROSS BY MR. EVANS

1 Q Okay. Could you -- well, I'll just go ahead and
2 ask. Are these photographs that were taken by you?

3 A Yes.

4 Q All right. Are they -- do they fairly and
5 accurately depict the way Mr. Mitchell looked at the time
6 you performed your autopsy?

7 A Yes.

8 MR. EVANS: Your Honor, the State would move these
9 into evidence as State's Exhibits---

10 THE COURT REPORTER: 29 to 33.

11 MR. EVANS: Thank you. State's Exhibits 29 to 33.

12 THE COURT: Okay.

13 MR. PLEXICO: Twenty-nine through --

14 THE COURT: Thirty-three.

15 MR. PLEXICO: I have to renew my prior objection.

16 THE COURT: All right. They are entered in
17 subject to your objection.

18 MR. EVANS: Thank you, Your Honor. If we could
19 publish these on the, the big screen.

20 THE COURT: You may.

21 *(Whereupon, State's Exhibit No(s). 29-33 marked*
22 *for identification and received in evidence.)*

23 BY MR. EVANS:

24 Q Doctor Ross, I'm gonna ask you to come down and
25 walk us through your autopsy using those photos that we just

DIRECT EXAMINATION OF JANICE ROSS BY MR. EVANS

1 entered in, and we will put them on the screen here for the
2 jury to see. And as -- I know you've testified---

3 THE COURT: Mr. Plexico, you're welcome---

4 MR. PLEXICO: Yes, ma'am.

5 THE COURT: Thank you, sir.

6 BY MR. EVANS:

7 Q But once you step away from the microphone the
8 acoustics get much worse, so if you could just please speak
9 up as loud as you can as we walk through these.

10 A Yes.

11 Q Ma'am, I hand you State's No. 29.

12 A Yes, when we receive the patient we look at the
13 body externally and identify any tattoos, injuries, anything
14 like that, the color of hair, et cetera. And, in this case,
15 we did -- we saw a gunshot wound. So, we further did x-rays
16 to see if there were any bullets left in him. But this
17 one -- this diagram shows that there are three holes in the
18 left side of his head, forehead. There was a wound through
19 his left upper arm, and really some evidence of medical
20 treatment, but no other injuries.

21 Q All right. State's 30.

22 A This is the forehead. This would be his left
23 eyebrow. There's the -- an entrance gunshot wound here,
24 which is the one that was fatal. The bullet went straight
25 through the back through his -- the left side of his brain.

DIRECT EXAMINATION OF JANICE ROSS BY MR. EVANS

1 This was -- this is an entrance wound and an exit wound, and
2 the bullet just went underneath the skin, and came out
3 there.

4 Q What's the difference -- you said that this one
5 here, towards the top of the image, wasn't fatal. What
6 about the others?

7 A This one just went under the skin. It went in and
8 under the skin and out. So, that didn't cause any brain
9 injury.

10 Q Could -- so, that could not have been fatal were
11 it not for the, the other shot?

12 A Correct.

13 Q Was there an exit wound with that other shot?

14 A No.

15 Q Is there anything else significant about these
16 particular wounds?

17 A Well, we look for evidence of the range, how far
18 the gun was from the, from the injury by looking for
19 evidence of stippling and tattooing. When the bullet comes
20 out of the gun so does soot and powder. But the soot and
21 powder only go a certain, short distance, whereas the bullet
22 goes further. So, if we see on the skin evidence of soot or
23 powder, we can say that the gun was fairly close to the
24 skin. But, in this case, we call this a distant wound. So,
25 it had to be at least 2-feet or beyond away where the bullet

DIRECT EXAMINATION OF JANICE ROSS BY MR. EVANS

1 -- the gun would be 2-feet or more away from the person.

2 Q All right.

3 A This is the left upper arm. This is the left
4 armpit. This is a bullet -- entrance bullet wound in that
5 arm.

6 Q And that's State's 31 for the record. How about
7 State's 32?

8 A It's upside down, but that's, again, the back of
9 the left arm where the exit wound is. So that the bullet --
10 the wound -- the bullet going into the left arm just went
11 all the way through.

12 Q I'll rotate that. Is that the correct way it
13 should appear?

14 A Yes.

15 Q I apologize. So, that's the exit -- this going
16 back to the previous. That's the entrance, and now this is
17 the exit?

18 A Correct.

19 Q So, what can you tell us about that wound?

20 A It went front to back and maybe slightly downward,
21 but most of it went through and through.

22 Q Could that have killed him?

23 A No, it didn't hit any major arteries.

24 Q In your report you refer to a gunshot wound to the
25 left arm as potentially fatal?

DIRECT EXAMINATION OF JANICE ROSS BY MR. EVANS

1 A I'm sorry. Yeah, I---

2 Q Would you like to review it---

3 A Yeah.

4 Q Review your report.

5 A I think it fractured the bone. (witness reviews
6 report.)

7 A We say "potentially" cause it, you know, without
8 the other wounds it could have caused infection or bleeding
9 from the bone or small vessels.

10 Q Okay. This is State's Exhibit 33 I think. What
11 is this a photo of?

12 A That's the bullet and a small fragment that we
13 retrieved out of the back left side of the brain at the time
14 of autopsy on Tyrek Mitchell.

15 Q And you performed that operation?

16 A Yes.

17 Q All right. I think you can return to the stand.

18 MR. EVANS: May I approach, Your Honor?

19 THE COURT: You may.

20 BY MR. EVANS:

21 Q Dr. Ross, I'm going to pass up an item for you,
22 and ask you if you can identify it.

23 A Yes, this is, excuse me, this is the bullet from
24 the head of Mitchell, Tyrek Mitchell, that we retrieved at
25 the time of autopsy.

DIRECT EXAMINATION OF JANICE ROSS BY MR. EVANS

1 Q That's the same as we just saw in State's Exhibit
2 33?

3 A Yes.

4 Q How can you tell that?

5 A From the shape and it's -- and the -- my signature
6 is on the, the packaging.

7 MR. EVANS: Okay. Your Honor, the State would
8 move to enter this bullet and fragment into evidence as
9 State's Exhibit 34.

10 THE COURT: Without objection?

11 MR. PLEXICO: I have no objection.

12 THE COURT: Without objection, it's in evidence.

13 MR. EVANS: Thank you, Your Honor.

14 *(Whereupon, State's Exhibit No(s). 34 marked for*
15 *identification and received in evidence.)*

16 BY MR. EVANS:

17 Q Doctor, if you could just summarize your findings
18 for the jury? Were you able to come to an opinion, to a
19 reasonable degree of medical certainty, as to why Tyrek
20 Mitchell died?

21 A Yes.

22 Q What was that reason?

23 A Laceration of the brain due to gunshot wound to
24 the head.

25 Q That first shot that did not have the exit wound?

DIRECT EXAMINATION OF JANICE ROSS BY MR. EVANS

1 A Correct.

2 THE COURT: Thank you. Those are all the
3 questions that I have. Please answer any questions
4 Mr. Plexico may have.

5 CROSS EXAMINATION

6 BY MR. PLEXICO:

7 Q Thank you for coming, Dr. Ross. Did you do -- did
8 you review, as a part of your job to determine the cause of
9 death, do you review the toxicology report?

10 A We draw fluids and send them to SLED by way of an
11 investigator. And we do receive the report.

12 MR. PLEXICO: Okay. May I approach?

13 THE COURT: You may.

14 BY MR. PLEXICO:

15 Q Is this the report in this matter?

16 A Yes.

17 Q Is your -- based on your training, do y'all use
18 that report to make your final determination?

19 A If it's -- yes, if there's reason that the
20 toxicology would, would interfere or contribute to the cause
21 of death, we would add that. But, in this case, it did not.

22 Q Did that reflect that he had Morphine in his blood
23 at the time -- in his body?

24 MR. EVANS: Objection. Calls for hearsay.

25 MR. PLEXICO: That's part of what she's basing her

CROSS EXAMINATION OF DR. JANICE ROSS BY MR. PLEXICO

1 expert opinion on, Judge.

2 THE COURT: Okay. You can go ahead and answer it.

3 THE WITNESS: I'm sorry. What was the question?

4 BY MR. PLEXICO:

5 Q Is there Morphine found in the fluids you
6 submitted?

7 A Yes.

8 Q Is there marijuana found in the fluids that were
9 submitted?

10 A Yes.

11 MR. PLEXICO: May I approach?

12 THE WITNESS: Both are not toxic.

13 MR. PLEXICO: I'd like to have this marked as a
14 Court's exhibit at this point.

15 MR. EVANS: No objection.

16 THE COURT: Without objection.

17 *(Whereupon, Court's Exhibit No(s). 1 marked for*
18 *identification and received in evidence.)*

19 MR. PLEXICO: I have nothing further.

20 MR. EVANS: Very briefly, Your Honor.

21 THE COURT: Come again.

22 REDIRECT EXAMINATION

23 BY MR. EVANS:

24 Q Doctor, what could Morphine be suggestive of?

25 A You'd find Morphine sometimes in -- with heroin,

REDIRECT EXAMINATION OF DR. JANICE ROSS BY MR. EVANS

1 but they -- it didn't -- the toxicology didn't show evidence
2 of heroin, or it could just be Morphine, the pain killer.

3 Q From medical treatment?

4 A Yes.

5 Q Did he arrive with medical devices?

6 A Yes, he was in the hospital for almost a day and
7 was pronounced brain dead in admission, and died the day
8 after the injury occurred.

9 Q So, he was, he was treated for some time?

10 A Yes.

11 Q Prior to arriving?

12 A Yes.

13 MR. EVANS: Thank you. That's all that I have.

14 MR. PLEXICO: Briefly, Your Honor.

15 THE COURT: Yes.

16 RE-CROSS EXAMINATION

17 BY MR. PLEXICO:

18 Q You don't know if Morphine was in his blood before
19 or after the gunshot wound; is that correct?

20 A It's, it's during -- it's blood drawn from the
21 autopsy.

22 Q Okay.

23 A Yes. So, it's there after treatment.

24 Q He could have had it before, before he was shot,
25 and it would have still shown up?

RECROSS EXAMINATION OF DR. JANICE ROSS BY MR.
PLEXICO

1 A At, at that level, probably. Toxicologist would
2 be better testifying, but it's possible that that could have
3 been metabolized by the time we got him.

4 Q You don't know?

5 A Correct.

6 Q Okay.

7 MR. PLEXICO: I don't have anything further.

8 THE COURT: Anything further?

9 MR. EVANS: No, ma'am. Ask that she be excused.

10 THE COURT: Any objection to Dr. Ross being
11 excused? You're excused, Dr. Ross. Thank you.

12 THE WITNESS: Thank you.

13 THE COURT: All right. Call your next witness.

14 MR. EVANS: Katie McCallister.

15 **Thereupon,**

16 KATHRYN MCCALLISTER

17 was called as a witness, having been first duly sworn,
18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. EVANS:

21 Q Would you please identify yourself and spell your
22 last name?

23 A Yes, I'm Katie McCallister.

24 M-C-C-A-L-L-I-S-T-E-R.

25 Q And where do you work, ma'am?

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 A The South Carolina Law Enforcement Division, more
2 commonly referred to as SLED.

3 Q How long have you worked at SLED?

4 A Since November of 2012.

5 Q And what is your rank there?

6 A I'm a special agent.

7 Q Okay. Do you have any prior law enforcement
8 experience before you got to SLED in 2012?

9 A I do. I was a deputy sheriff for the Hampton
10 County Sheriff's Office for almost four years.

11 Q How about before that?

12 A No.

13 Q Was that your first job?

14 A It was.

15 Q So, four years back from 2012. So, you've got
16 more than 11 years at this point?

17 A It will be 11 years in August.

18 Q Eleven years in August. My -- that's why I'm a
19 lawyer, I'm not good at math.

20 A Me too. That's why I'm a cop.

21 Q Were you the agent in charge of this particular
22 case?

23 A Yes.

24 Q Tell us, how did you become to be involved?

25 A We were notified by the Allendale Police

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 Department that there had been a shooting at Pinewood
2 Apartments. We were notified on March 21st, 2018. I
3 believe I was on call during that week, and I was notified
4 to respond to assist Allendale Police Department, but
5 ultimately we were asked to be the lead investigators on the
6 case.

7 Q And when did, when did you arrive at the scene?
8 Well, tell us what was the first thing you did?

9 A I'm not entirely sure what time I arrived on
10 scene, but upon arrival I spoke with Captain Ford of the
11 Allendale Police Department to get a basic overview of what
12 had happened. And I believe that we had already notified
13 our crime scene unit, and they were already en route.

14 Q All right. And what did you do once you had
15 spoken to Captain Ford?

16 A We conducted a brief overview of the scene.
17 Captain Ford told me that he had recovered a handgun for
18 safety reasons so that EMS could get into the deceased
19 victim. I asked him to hold that and to turn it over to our
20 crime scene unit when they arrived.

21 Q That was the same gun that we entered yesterday?

22 A It is, yes.

23 Q All right. Did you find any other guns or did---

24 A We did not.

25 Q Did any other officers find any other guns?

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 A No, we only recovered one gun from the scene.

2 Q Were the victims there when you got there?

3 A They were not.

4 Q Where were they?

5 A Both of them had been loaded into ambulances, and
6 they were taken to the Allendale County Airport where we
7 were waiting on medical helicopters.

8 Q Were you or any other officers able to speak with
9 Mr. Granger or Mr. Mitchell?

10 A Yes. So, the victim, Mr. Mitchell, his injuries
11 were severe. We knew that we could not speak with him, but
12 Captain Ford had said that the second victim, Mr. Raheme
13 Granger, was alert and talking. So, I left the scene and
14 went to the airport to speak with Mr. Granger about what had
15 happened that night.

16 Q By the way, where is the scene? I don't think I
17 had asked you that yet.

18 A It was the Pinewood Apartments, 852 Barton Road in
19 Allendale County, South Carolina.

20 Q And how long did it take you to get to the
21 airport?

22 A Probably about five, six minutes.

23 Q Okay. So, you weren't gone for long?

24 A No.

25 Q And then Mr. Granger was flown where?

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 A I believe it was Doctor's Hospital.

2 Q In Augusta?

3 A In Augusta.

4 Q All right. What did you do after speaking with
5 him?

6 A After I spoke with Mr. Granger, I went back - I
7 collected the clothes that both individuals were wearing
8 from EMS. They were secured in the trunk of my vehicle.
9 And then I went back to the scene to wait on crime scene and
10 to begin a canvas of the apartment complex.

11 Q What, if anything, did that canvas turn up? Did
12 you find any evidence that would, would become important in
13 this case?

14 A Not initially on scene. We got the names of
15 people. We had -- we made some initial interviews of
16 several people that were on scene. We -- it took several
17 hours to identify a possible suspect in the case. Most of
18 the people in the apartment complex had heard shots, but
19 they had not seen, actually witnessed the shooting.

20 Q I see. Did -- you heard Mr. Loadholt testify
21 yesterday, correct?

22 A Yes.

23 Q Was he one of the people that you interviewed?

24 A He was.

25 Q Okay. Who did he identify as---

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 MR. PLEXICO: Your Honor, I object. That's
2 hearsay.

3 MR. EVANS: It's in evidence.

4 THE COURT: Okay. She can go ahead. Go ahead.

5 BY MR. EVANS

6 Q What did you learn from Mr. Loadholt?

7 A Mr. Loadholt identified the shooter as Jamel
8 Williams.

9 Q I see. Is Jamel Williams in the courtroom today?

10 A He is.

11 Q Will you tell us where he's sitting and what he's
12 wearing?

13 A He's right next to Mr. Plexico. He's wearing a
14 blue shirt. He's actually standing up currently.

15 Q Thank you.

16 MR. EVANS: Beg the Court's indulgence.

17 (Pause.)

18 BY MR. EVANS:

19 Q How did you go about -- going back to the scene a
20 bit, and I understand that you had the assistance of Special
21 Agent Sprouse and his crew that was here yesterday.

22 A Yes.

23 Q But how did you and they go about searching this
24 complex?

25 A So, when we arrived, crime scene tape is usually

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 up. I get a brief overview. I had not gone into the
2 apartment where I was concerned with evidence and making
3 sure that we don't disturb it, disrupt it, mess it up in any
4 way. So, I could see a brief overview from the parking lot.
5 We noticed the gray Avenger. There was obvious that there
6 was blood, it looked to me, like had been spit on the
7 concrete. The whole scene was cordoned off. I was -- I did
8 not enter the apartment until crime scene had photographed
9 and collected what they needed to outside. And then we went
10 into the apartment to begin processing that particular part
11 of the scene.

12 Q How about the car?

13 A After speaking with Mr. Granger, we noticed the
14 blood next to the car. He indicated that he had been
15 standing by the car. When he was in the back of the
16 ambulance, he had one of those pink hospital buckets, and he
17 was spitting into that due to the nature of the injury. He
18 was shot roughly in the mouth. So, it was causing him to
19 kind of spit. His mouth was watering a lot. He indicated
20 that he had spit around the vehicle. So, we knew that he
21 had been over there at some point. He also told us he had
22 been there.

23 Q So that become part of your scene?

24 A It was. The Allendale Police had cordoned off
25 a -- quite a section of the apartment complex.

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 Q Okay. Did you search the car?

2 A We did.

3 Q Did you find anything in the car?

4 A Nothing of investigative value.

5 Q No tablet?

6 A No.

7 Q No gun?

8 A No gun.

9 Q Did you find a tablet anywhere?

10 A We did not.

11 Q All right. And no other guns, other than the one
12 that's already been entered, which is collected by Ford?

13 A Yeah, we did not recover any other weapons in this
14 case.

15 Q Did you ever speak to Jamel Williams in this case?

16 A I did.

17 Q When did you do that?

18 A We spoke with him the next day on March 22nd,
19 2018, and we also spoke with him on March -- give me -- I'm
20 looking at my notes. Give me one second. On March 24th,
21 2018.

22 Q I see. When was the incident date again?

23 A March 21st, 2018.

24 Q At approximately what time?

25 A I believe it was around nine o'clock in the

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 evening.

2 Q And you spoke to Mr. Williams the next day?

3 A The next day.

4 Q At about what time?

5 A 11:15 a.m.

6 Q Was he on the scene to the, to the best of your
7 knowledge when you arrived there?

8 A No.

9 Q Did you receive any indication from anybody else
10 that he was on scene when law enforcement arrived there?

11 A No.

12 Q When you spoke to him at 11:15 the next day, what
13 happened?

14 A He was Mirandized. He was not in custody.

15 Q Was he a suspect at that point?

16 A He was.

17 Q I see. Did he indicate that he wished to speak to
18 you?

19 A He did.

20 Q Did you ask him to come there, or did he come of
21 his own accord?

22 A He came with his brother.

23 Q He came with his brother. Was the brother in on
24 the interview?

25 A He was not.

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 Q All right. After he indicated he was willing to
2 speak to you, what happened?

3 A We spoke to him and asked him what he knew about
4 the shooting the night before at the Pinewood Apartments.
5 He said that he heard shots and he ran.

6 Q Did you report that in any way?

7 A We did.

8 Q How?

9 A SLED uses a case cracker. It is a very expensive
10 fancy laptop that we use to record, audio and video record,
11 our interviews.

12 Q And do you do that with the interviews these days?

13 A We do.

14 Q That's a relatively new policy, right?

15 A It is.

16 Q Okay. But you did record this one?

17 A We did.

18 MR. EVANS: May I approach, Your Honor?

19 THE COURT: You may.

20 BY MR. EVANS:

21 Q Special Agent, I want to pass you something, and
22 ask if you can identify this.

23 A This is a SLED investigative file disc. It's
24 labeled with this particular case number. It says, Jamel
25 Williams, number one.

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 Q All right. So, that would be the March 22nd
2 interview?

3 A Yes.

4 MR. EVANS: Your Honor, the State would move this
5 disc and its contents into evidence as State's Exhibit
6 35.

7 THE COURT: No objection, is that correct?

8 MR. PLEXICO: No objection, Judge.

9 THE COURT: Without objection.

10 *(Whereupon, State's Exhibit No(s). 35 marked for*
11 *identification and received in evidence.)*

12 BY MR. EVANS:

13 Q And may we publish it? It will be about 20
14 minutes, Judge.

15 THE COURT: You may.

16 MR. PLEXICO: Could I sit on the other side, Your
17 Honor?

18 THE COURT: You may.

19 (Published State's Exhibit 35.)

20 BY MR. EVANS:

21 Q On March the 22nd, did he ever tell you that he
22 saw who shot---

23 A He did not.

24 Q ---Tyrek Mitchell?

25 A No.

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 Q He did not?

2 A No.

3 Q He never told you that he did it?

4 A No.

5 Q Did he ever claim self-defense?

6 A He did not.

7 Q Would you have been interested in those things?

8 A Yes.

9 Q Would you have interviewed him any differently if
10 this was earlier in the investigation? We were at 14 hours,
11 correct?

12 A Roughly, I think, yes.

13 Q What can you do with somebody who you find sooner
14 than that, in the two-hour range say?

15 A There's not much that can be done differently.

16 Q Is there a test that can be performed for -- to
17 see whether they fired a gun?

18 A There is, a GSR, test.

19 Q Briefly explain that.

20 A So, GSR, I'm not an expert, but when you fire a
21 handgun, there's residue that comes off of the gun during
22 the firing of the bullet. It gets on your hands, your
23 clothes. We have a test. They're small little magnets that
24 we basically -- it doesn't hurt. We tap it on the back of
25 your hand and on the palm and in-between your fingers, and

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 the magnet will pick up the residue, if it's there. And we
2 seal it, mark it as evidence, send it to the lab, and then
3 they, they can conduct a test to see if it's the gunshot
4 residue, the little particles, at the SLED lab. We can tell
5 if you've fired a gun -- well, we can't tell if you
6 specifically fired a gun, but if you've been in proximity to
7 a gun that was fired.

8 Q Is that something you look for regularly in cases
9 involving shootings?

10 A It is.

11 Q Why not in this case?

12 A There's only a certain amount of time that you can
13 perform this test. It depends on factors, whether you've
14 washed your hands. Usually at about 14 hours, you could
15 have washed your hands, used the bathroom, taken a shower,
16 blown your nose, eaten, picked up a Diet Coke bottle that's
17 got condensation, and it will deteriorate the residue that's
18 on your hands.

19 Q So, it was not possible to do so on, on March
20 22nd?

21 A No.

22 Q You said the interview began on March 24th?

23 A We did.

24 Q How did that begin?

25 A At the time we had obtained arrest warrants for

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 Mr. Williams. We served them at the Allendale County Jail,
2 and he indicated that he wished to speak with us at that
3 time.

4 Q Okay. And did you do so?

5 A We did.

6 Q Did you re-Mirandize him, tell him---

7 A He was---

8 Q ---what his rights were?

9 A Yes, he was re-Mirandized again.

10 Q And then he again indicated he wished to speak to
11 you?

12 A He did.

13 Q Did you record that one in the same way as the one
14 we just watched?

15 A I did.

16 MR. EVANS: May I approach, Your Honor?

17 THE COURT: Yes.

18 BY MR. EVANS:

19 Q I'm gonna pass you another disc, and ask if you
20 can identify it.

21 A This is a SLED investigative file disc. It has
22 the case number and it's marked Jamel Williams number two.

23 MR. EVANS: Thank you. Your Honor, the State
24 would move this disc and its contents into evidence as
25 State's Exhibit -- I think I'm at 36. Is that right?

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 MR. PLEXICO: Without objection. And may I move
2 up?

3 THE COURT: Of course, sir, and you may.

4 MR. EVANS: This is quite a bit longer, Judge.
5 So, if any -- if you want to indicate a break on it at
6 any point, I'll---

7 THE COURT: Ladies and gentlemen -- how long is
8 this one approximately?

9 MR. EVANS: It's about an hour and six minutes.

10 THE COURT: Okay. Ladies and gentlemen of the
11 jury, do you want to take a break before we play this?

12 Let's take a short break. It's an hour and six
13 minutes. Ladies and gentlemen, do not discuss this
14 case. It isn't appropriate to do so because you
15 haven't heard all the evidence in this case. Go back,
16 get a cup of coffee, ladies and gentlemen. We'll bring
17 you right back out. It is roughly 11:30. Elaine, are
18 we still thinking it's -- lunch is gonna be here about
19 1:00 did you say?

20 THE CLERK: About 12:30.

21 THE COURT: Okay. You know, why don't you-all
22 bring it about 1:00 if that's possible. Ladies and
23 gentlemen, what I would like to do is, after this
24 break, we'll play this tape. That will put us right to
25 about 12:30, and if I can get your lunch here a little

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 faster I'm gonna try to do that. And then we'll break
2 for lunch. Okay. All right. Go back to your jury
3 room, ladies and gentlemen. Again, refresh yourselves.
4 We'll take about a ten-minute break. Okay. Thank you,
5 Madam Foreperson.

6 (The jury exits the courtroom at 11:25 a.m.)

7 THE COURT: You may go, but do not discuss your
8 testimony.

9 THE WITNESS: No, ma'am.

10 THE COURT: Okay.

11 (Lunch recess.)

12 THE COURT: All right. You ready to go, Mr.
13 Evans?

14 MR. EVANS: I'm ready, yes, ma'am.

15 THE COURT: You ready, Mr. Plexico?

16 MR. PLEXICO: Yes, Your Honor.

17 THE COURT: All right. Let's bring the jury out.

18 (The jury enters the courtroom at 11:33 a.m.)

19 THE COURT: All right. Welcome back, ladies and
20 gentlemen. It's my understanding y'all are gonna go
21 ahead and play the second interview of Mr. Williams.

22 MR. EVANS: Thank you.

23 THE COURT: All right. Y'all okay?

24 MR. PLEXICO: May I approach, Your Honor?

25 THE COURT: You may.

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 (Played audio recorded interview to the jury.)

2 MR. EVANS: Judge, I see it's nearly 1:00.

3 THE COURT: Pardon?

4 MR. EVANS: I see it's nearly 1:00.

5 THE COURT: It is nearly 1:00. Ladies and
6 gentlemen, I understand your food is back in the jury
7 room. We're gonna go ahead and do this break for you
8 to go back to eat, ladies and gentlemen.

9 Madam Foreperson, when the jury is finished
10 eating, will you knock on the door and let us know and
11 we'll bring you back and we'll continue.

12 Okay. Again, I need to tell you you are not to
13 discuss this case with each other over the lunch hour.
14 Again, you've not heard all the evidence. You haven't
15 heard the lawyers' closing arguments, and I haven't
16 charged you on the law. So, it would be inappropriate
17 for you to discuss the case.

18 All right. So, Madam Foreperson, again, just
19 knock on the door and let me know when y'all are ready
20 to come back. Okay. Thank you. You're excused back
21 to the jury room.

22 (The jury exits the courtroom at 12:57 p.m.)

23 THE COURT: Could I see the attorneys for a moment
24 please before we break?

25 (Off-the-record discussion held.)

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 THE COURT: Okay. Grab a bite.

2 THE COURT: All right. You ready to go, Mr.

3 Evans?

4 MR. EVANS: I'm ready, yes, ma'am.

5 THE COURT: You ready, Mr. Plexico?

6 MR. PLEXICO: Yes, Your Honor.

7 THE COURT: All right. Let's bring the jury out.

8 (Jury enters the courtroom.)

9 THE COURT: All right. Welcome back, ladies and
10 gentlemen. I trust you-all got a bite to eat. We are
11 attempting to maybe get a little more air conditioning
12 in the courthouse. I don't know about you, how you-all
13 feel, but I'm a little hot. So, I'm not sure how
14 you're doing, but if anyone has a problem, just let me
15 know.

16 Okay. We'll see what we can do.

17 Mr. Evans, if you'd go ahead and continue with
18 Special Agent McCallister's testimony.

19 MR. EVANS: Thank you, Your Honor.

20 THE COURT: Thank you.

21 BY MR. EVANS

22 Q Special Agent McCallister, those interviews that
23 we watched before the lunch break, what else can you tell us
24 that, that we didn't see on the screen, if anything?

25 A In regards to --

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 Q Any impressions that you had, any reasons that you
2 had for asking questions that you did.

3 A We used an investigative technique. It's called,
4 basically, giving them an out. In this particular case we
5 could see that Mr. Williams, he could talk about everything
6 up to the shooting, and then everything after. But the
7 actual shooting, the firing of the weapon, we had a hard
8 time with getting him to talk with us about that. So, we
9 used -- we gave him an out in order to help get him to the
10 point to talk to us about the actual firing of the weapon.

11 Q Where, where did he say he lived in the first
12 interview, if you recall?

13 A The address we got was [REDACTED] 14th Street, Fairfax
14 South Carolina, 29827. He gave -- that was his mother's
15 address.

16 Q That was his mother's address?

17 A Uh-huh. (Indicating affirmatively.)

18 Q Did he tell you, I don't have an address?

19 A He did.

20 Q I bounce around, something to that effect?

21 A Uh-huh. (Indicating affirmatively.)

22 Q And then, in the second interview, he said
23 something different about where he lived?

24 A Yes.

25 Q What was that?

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 A He stated that he lived in the apartment that the
2 shooting took place in.

3 Q Which is not in Fairfax?

4 A It's not. It's in Allendale.

5 Q All right. Did you collect any evidence from his
6 person during the course of your investigation?

7 A No.

8 Q No. Beg the Court's indulgence.

9 (Pause.)

10 Q Did you request any DNA analysis in this case?

11 A I did, yes.

12 Q Do we have a sample from Mr. Williams?

13 A We did, yes.

14 Q Where did that come from?

15 A I'm sorry. I misspoke earlier. On the day that
16 we served the warrants, I did ask for a DNA, a buccal swab,
17 and he did consent and give us one.

18 Q He provided -- what is a buccal swab?

19 A It's just two Q-tips. We swab the inside of your
20 mouth.

21 Q And I'm sorry. You said that was during the first
22 interview?

23 A The second.

24 Q The second.

25 A Uh-huh. (Indicating affirmatively.)

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 Q And you sent that up to Columbia?

2 A Yes.

3 Q Did you send any other items from, from anybody
4 else we've heard from in this case up to Columbia?

5 A I did. Mr. Granger had surgery to remove the
6 bullet out of his throat/neck area. And I went to Augusta
7 and obtained the bullet from the hospital, and took it to
8 the SLED lab.

9 MR. EVANS: Okay. May I approach, Your Honor?

10 THE COURT: You may.

11 BY MR. EVANS:

12 Q Special Agent, I'm gonna pass you this envelope.
13 Can you tell me what that is and what it contains?

14 A It's a manila envelope. It is marked F.A., which
15 is firearms. The evidence tape bears the date 3/27/2018 and
16 my initials. This was the bullet I collected from the
17 hospital.

18 Q All right. Would you mind opening that up and
19 bringing that out to me?

20 A Yep.

21 Q That's the same that you recognize from that
22 night?

23 A It is.

24 Q And it was removed from Mr. Granger in surgery?

25 A Yes.

DIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 MR. EVANS: Your Honor, the State would enter --
2 well, so that -- I mean that's a plastic bag containing
3 a number of small items?

4 A It is. I -- the largest projectile is in the
5 cotton, and there's fragments in the tiny vial.

6 Q And that was sent on. You weren't the last person
7 to, to work with this, but you were the first to receive it
8 at SLED?

9 A Yes.

10 MR. EVANS: All right. Your Honor, State would
11 enter the contents of the plastic bag into evidence as
12 State's Exhibit 37.

13 MR. PLEXICO: We have no objection, Your Honor.

14 THE COURT: Without objection, it's in evidence.

15 MR. EVANS: Thank you.

16 *(Whereupon, State's Exhibit No(s). 37 marked for*
17 *identification and received in evidence.)*

18 MR. EVANS: Begging the Court's indulgence.

19 (Pause.)

20 MR. EVANS: Those are all the questions that I
21 have at this time. Please answer any question
22 Mr. Plexico has.

23 CROSS EXAMINATION

24 BY MR. PLEXICO:

25 Q All right. You interviewed the ladies who lived

CROSS EXAMINATION OF KATHRYN MCCALLISTER BY MR.
PLEXICO

1 there?

2 A I did.

3 Q Okay. All right. And they told you that Jamel
4 was staying there?

5 A I believe one of them said he stayed there off and
6 on.

7 Q Okay. All right. And if I get a tent and I go
8 out by the river, and I spend the weekend there, am I
9 habitating out in that tent that weekend? Is that where I'm
10 living that weekend?

11 A That would be where you were staying. I don't know
12 that it---

13 Q If -- I'm just spending the night in, cooking me
14 some hot dogs, doing some fishing, and spending the night in
15 the tent, I'd be habitating in the tent, right?

16 A Yes.

17 Q And I'd be living in the tent?

18 A Yes.

19 Q That'd be where I was living at?

20 A Yes.

21 Q Right? Okay. He willingly gave the DNA sample,
22 correct?

23 A He did.

24 Q And you have no questions that there were children
25 in the apartment that night, right?

CROSS EXAMINATION OF KATHRYN MCCALLISTER BY MR.
PLEXICO

1 A No, there were children in the apartment that
2 night.

3 Q And you have no questions that there were women in
4 that apartment, the mother of those children; is that
5 correct?

6 A I don't know the children's name. I don't know
7 exactly who they belonged to.

8 Q Okay. But you know there were women in the
9 apartment too?

10 A Yes.

11 Q Okay. Cause you interviewed them?

12 A Yes.

13 Q All right. And did one of those women at least
14 tell you they got -- they picked up a child and took it out
15 of there?

16 A Yes.

17 Q Which showed a concern for the child?

18 A Yes.

19 Q Was that a motherly concern, in your opinion?

20 A I'm not a mother. I mean, I would hope it would
21 be, but I can't specifically---

22 Q You hope it would be?

23 A I would hope, yes, sir.

24 Q And he told you that I'm going to prison for
25 protecting those kids repeatedly, didn't he?

CROSS EXAMINATION OF KATHRYN MCCALLISTER BY MR.
PLEXICO

1 A He did.

2 Q And he kept talking about the other gun. Didn't
3 he seem mystified to you about what happened to it?

4 A Sir?

5 Q Didn't he seem mystified about what happened to
6 those guns?

7 A He did seem concerned, yes, sir.

8 Q And you yourself said to him, my client, during
9 the interview, it'd be stupid to think you wouldn't do
10 anything to protect those children; is that right?

11 A It is.

12 Q And there's no question he was there then when
13 all -- when the boys came over and all this started, right?

14 A Yes, sir.

15 Q He is the only man who stays there?

16 A To my knowledge, yes, sir.

17 Q And he said, I can't have kids. Those kids are
18 like my own.

19 A Yes.

20 MR. PLEXICO: Your Honor, Court's indulgence.

21 THE COURT: Uh-huh. (Indicating affirmatively.)

22 (Pause.)

23 MR. PLEXICO: I don't have anything further.

24 THE COURT: Mr. Evans.

25 MR. EVANS: Thank you, Your Honor.

REDIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 REDIRECT EXAMINATION

2 BY MR. EVANS:

3 Q Special Agent, Mr. Plexico just asked you if any
4 of the women told you that the -- that there were children
5 in the house. Do you recall that question?

6 A Yes.

7 Q Who told you that?

8 A I believe it was everyone who spoke with us.

9 Q Who of the three women?

10 A Laquia Patterson.

11 Q What did Laquia Patterson tell you about where the
12 children were at the time of the shooting?

13 A They were in the living room standing in the
14 middle of the group of people.

15 Q And what did she tell you she did with them?

16 MR. PLEXICO: That'll be hearsay. I'd move to
17 strike and ask for a curative instruction.

18 MR. EVANS: I believe he opened the door.

19 MR. PLEXICO: I --

20 THE COURT: Pardon?

21 MR. PLEXICO: I'd ask for a -- I'd move to strike.
22 I object to that. It's hearsay. And then I'd move to
23 strike and ask for a curative instruction.

24 MR. EVANS: May we approach, Your Honor?

25 THE COURT: You may.

REDIRECT EXAMINATION OF KATHRYN MCCALLISTER BY MR.
EVANS

1 (Bench conference)

2 THE COURT: You can go ahead.

3 MR. EVANS: Thank you, Your Honor.

4 BY MR. EVANS:

5 Q What did Ms. Laquia Patterson tell you that she
6 did with the children?

7 A She pulled the children out of that room.

8 MR. EVANS: Thank you, Your Honor. Beg the
9 Court's indulgence.

10 (Pause.)

11 MR. EVANS: That's all, Your Honor, for redirect.

12 MR. PLEXICO: Briefly, ma'am.

13 THE COURT: You may.

14 MR. PLEXICO: Thank you.

15 RE-CROSS EXAMINATION

16 BY MR. PLEXICO:

17 Q So, Laquia told you she had taken the children out
18 of the room prior to the shooting; is that correct?

19 A Yes, sir.

20 Q All right. And took them into the kitchen?

21 A I don't know where she took them.

22 Q She didn't take them out of the house, correct?

23 A No.

24 Q Okay. All right. And the walls over at Pinewood
25 Apartments are made of sheetrock? Does it appear to you to

RE-CROSS EXAMINATION OF KATHRYN MCCALLISTER BY MR.
PLEXICO

1 be sheetrock?

2 A I would assume. I have no idea.

3 Q Oh, okay. The sheetrock is mighty thin and you
4 sure can shoot through it, can't you?

5 A Yes, sir.

6 Q You can kill, kill that person on the other side?

7 A Yes, sir.

8 Q Okay.

9 THE COURT: Anything further?

10 MR. EVANS: No, ma'am.

11 THE COURT: All right. You can step down. Call
12 your next witness.

13 MR. EVANS: Latoya Patterson.

14 THE COURT: Come forward right here, ma'am.

15 Thereupon,

16 LATOYA PATTERSON

17 was called as a witness, having been first duly sworn,
18 was examined and testified as follows:

19 THE COURT: All right, ma'am. I'm gonna ask you
20 to adjust that microphone if you would so we can all
21 hear you. Okay?

22 THE WITNESS: Okay.

23 DIRECT EXAMINATION

24 BY MR. EVANS:

25 Q Could you identify yourself for the record, and

DIRECT EXAMINATION OF LATOYA PATTERSON BY MR. EVANS

1 spell your last name, ma'am?

2 A My name is Latoya Patterson. Patterson.

3 P-A-T-T-E-R-S-O-N.

4 Q And, Ms. Patterson, where do you live?

5 A I don't stay down here no more.

6 Q Can you tell us---

7 A Illinois.

8 Q Illinois?

9 MR. PLEXICO: Your Honor, if I could have a -- may
10 I have a bench conference please?

11 THE COURT: You may.

12 (Bench conference held)

13 MR. EVANS: Beg the Court's indulgence.

14 (Pause.)

15 BY MR. EVANS:

16 Q Ms. Patterson, did you used to live in this area?

17 A Yes.

18 Q Where?

19 A In Pinewood.

20 Q What apartment?

21 A 39 -- I'm not. [REDACTED].

22 Q [REDACTED]?

23 A Uh-huh. (Indicating affirmatively.)

24 Q Okay. And that's in the City of Allendale?

25 A Yes.

DIRECT EXAMINATION OF LATOYA PATTERSON BY MR. EVANS

1 Q And in Allendale County?

2 A Yes.

3 Q Were you living there on March 21st, 2018?

4 A Yes.

5 Q Who else was living there at that time?

6 A Jamel Williams. He was helping me with the kids.

7 Q Okay. Do you recall speaking to me on the phone
8 last week?

9 A I'm not sure.

10 Q Did he stay there all the time or some of the
11 time?

12 A He was putting the kids on the bus while I worked.

13 Q He was putting kids on the bus while you worked?

14 A Yes, sir.

15 Q Does that mean he had a room of his own?

16 A No.

17 Q No. Did he help you with the rent?

18 A Yeah, he bought like household stuff for the
19 house.

20 Q He bought, bought household stuff?

21 A Uh-huh. (Indicating affirmatively.)

22 Q But not -- he didn't give you money to pay the
23 light bill or anything?

24 A No, but my, my rent wasn't high.

25 Q You -- did he receive mail there?

DIRECT EXAMINATION OF LATOYA PATTERSON BY MR. EVANS

1 A No.

2 Q Did he ever stay anywhere else?

3 A I don't know.

4 Q Did you tell the police that he stayed somewhere
5 else on occasion?

6 A No.

7 Q Did you tell them he stayed with his mother?

8 A I don't recall.

9 Q You don't remember?

10 A No.

11 Q Is Jamel Williams in the courtroom today?

12 A Yes.

13 Q Could you identify him by something he's wearing
14 or where he's sitting? Is it this---

15 A He right there.

16 Q ---gentleman who's standing up?

17 A Yes, sir.

18 Q Sitting next to Mr. Plexico?

19 A Yes, sir.

20 Q All right. Who is he to you?

21 A My cousin.

22 Q Your cousin. Do you know what degree, first,
23 second, third?

24 A No, I'm his kin by his daddy.

25 Q Kin by his daddy?

DIRECT EXAMINATION OF LATOYA PATTERSON BY MR. EVANS

1 A Yes.

2 Q All right. Well, I know he's family, but how long
3 have you known him?

4 A I know him since we were young.

5 Q Since he was really young?

6 A Uh-huh. (Indicating affirmatively.)

7 Q Who else -- I'm sorry. I cut you off in the
8 middle of your last answer. Who else was living there
9 besides you and Jamel sometimes?

10 A My kids and my sister.

11 Q Which sister?

12 A Laquia.

13 Q Laquia?

14 A Nod.

15 Q Do you remember the events of that night that led
16 us here today?

17 A I could tell you a little bit, but I'm not sure.

18 Q Can you tell us what you do remember?

19 A Okay. That night Bernard, his name is Smack, came
20 to the apartment and some other boys and they say he stole
21 the tablet.

22 Q Was Bernard invited into your home?

23 A No.

24 Q No. Who let him in, or he just let---

25 A He---

DIRECT EXAMINATION OF LATOYA PATTERSON BY MR. EVANS

1 Q ---himself?

2 A Yes.

3 Q Did that sort of thing happen a lot?

4 A No.

5 Q Did you think that was unusual?

6 A Yes.

7 Q What did you do about it?

8 A Well, they started talking and stuff like that,
9 and it's like, if Bernard did have the tablet, give it back,
10 but he say he didn't have it. So---

11 Q Who else was arguing about the tablet?

12 A Huh?

13 Q Who else was arguing about the tablet with
14 Bernard, Smack?

15 A Ty was like if he had it, to tell him to give it
16 back cause the uncle say he had some important personal
17 stuff in the tablet.

18 Q You say Ty?

19 A Uh-huh. (Indicating affirmatively.)

20 Q Is that Tyrek Mitchell?

21 A I don't know his last name.

22 Q Okay.

23 A I just know him as Ty.

24 Q Is that the young man who ended up dead?

25 A Yes.

DIRECT EXAMINATION OF LATOYA PATTERSON BY MR. EVANS

1 Q Did you know him very well? I know you don't know
2 his full name, but---

3 A No, that was my brother-in-law cousin.

4 Q Your brother-in-law's cousin?

5 A Uh-huh. (Indicating affirmatively.)

6 Q Did he have anybody with him?

7 A I can't remember.

8 Q And---

9 A I just know one person, May May.

10 Q Okay. May May.

11 A And his uncle.

12 Q Do you know his full name?

13 A No.

14 Q Did Ty have any family members with him? Whose
15 tablet was it?

16 A His uncle I think.

17 Q His uncle or a family member of his. Do you
18 know---

19 A Yeah, I don't know the uncle name.

20 Q Did you know him?

21 A No.

22 Q You ever seen him before?

23 A No.

24 Q Where was he from? Do you know that?

25 A No.

DIRECT EXAMINATION OF LATOYA PATTERSON BY MR. EVANS

1 Q Do you recognize him in the courtroom today?

2 A No.

3 Q What sort of tone was this argument?

4 A Can you repeat that?

5 Q Was it dangerous? Was it intense? Was it just a
6 conversation?

7 A Yes, it just a conversation.

8 Q Okay. Were you worried?

9 A No, cause everything -- everybody was talking good
10 and stuff and I left out the house.

11 Q You left -- you went outside?

12 A Uh-huh. (Indicating affirmatively.)

13 Q Even though these people who were not invited to
14 your home were in there?

15 A Yes, cause they say they was gonna talk.

16 Q Okay. You had no cause for concern?

17 A No, cause everybody was like normal. And I left
18 out and I talked to May May, and we was talking. And then,
19 after that, we heard a gunshot and I ran with my baby in my
20 arms under the stairs.

21 Q Where were you when you heard the shot?

22 A Outside talking to a boy named May May.

23 Q Outside talking to May May. Does Jamel go by any
24 nickname?

25 A No.

DIRECT EXAMINATION OF LATOYA PATTERSON BY MR. EVANS

1 Q Mel Mel?

2 A Well, I call him Jamel. I don't call him Mel Mel.

3 Q Do some people call him that?

4 A Yes.

5 Q But May May is a different person?

6 A Yes.

7 Q Pretty similar nickname. That's why I asked,
8 right?

9 A Uh-huh. (Indicating affirmatively.)

10 Q And you weren't concerned about this, about this
11 argument over the tablet?

12 A It was normal, but we told them to leave the first
13 time, but they say they was just gonna talk.

14 Q Were you telling Bernard to leave as well?

15 A Yes.

16 Q Smack?

17 A Yes.

18 Q So, he was included in that?

19 A Uh-huh. (Indicating affirmatively.)

20 Q Did anybody, Smack, Ty, or Ty's relative make any
21 kind of threat that you heard?

22 A I can't remember.

23 Q Did you see any guns?

24 A No.

25 Q Never?

DIRECT EXAMINATION OF LATOYA PATTERSON BY MR. EVANS

1 A Never.

2 Q Not at all that night?

3 A No.

4 Q Do you know somebody had one because you heard it,
5 right?

6 A Yes.

7 Q But you never saw it?

8 A No.

9 Q Did you ever fear for your safety?

10 A Yes, but when he came in and talk, nobody didn't
11 have no gun. So, I can't tell you who had no gun.

12 Q Did you fear for your safety before you heard
13 shots or after?

14 A Before cause everybody was like normal. They was
15 talking. So, I didn't think nothing about it.

16 Q That sounds like a no, you didn't fear before you
17 heard the shots. I just want to make sure I understand.
18 No, you didn't?

19 A No.

20 Q After you heard the shots, you said that you ran
21 with your child?

22 A Yes.

23 Q How old's that child?

24 A Well, he's two now.

25 Q Two now. Okay. So, you were carrying him?

DIRECT EXAMINATION OF LATOYA PATTERSON BY MR. EVANS

1 A Yeah, he wasn't walking.

2 Q Where did you run to?

3 A Under the stairs.

4 Q What stairs, the inside stairs or are there
5 outside stairs?

6 A I can't remember now. It was dark.

7 Q Did you see anybody leaving your home?

8 A No.

9 Q Do you recall telling the police about what you
10 saw?

11 A When, when everything was over with, I had saw the
12 door open, and he was laying on the floor, and I ran to
13 somebody, told somebody call the police. That's all I
14 remember.

15 Q Did you see---

16 A But I did not go in no house.

17 Q When did you go into the house?

18 A I didn't ever go in the house.

19 Q You never went in the house?

20 A I went before I got there.

21 Q Did you see your cousin, Jamel Williams, the rest
22 of that night?

23 A No.

24 Q You never went in the house?

25 A No.

DIRECT EXAMINATION OF LATOYA PATTERSON BY MR. EVANS

1 Q Do you recall telling the police that you went in
2 the house?

3 A I can't remember, no.

4 Q You can't remember. Do you recall telling them,
5 later that night, that you saw the young man who had been
6 shot?

7 A I can't remember.

8 Q Do you remember seeing him shot?

9 A Yes, the door was wide open.

10 Q Okay. So, I think that's why we're confused. You
11 can see him from outside?

12 A Yes.

13 Q Oh, okay. And you can see that he had been shot?

14 A Uh-huh. (Indicating affirmatively.)

15 Q And you've testified already that you didn't see
16 any guns all night. I want to make sure. Does that include
17 when you looked in and saw the young man on the floor; did
18 you see any guns at that point?

19 A No.

20 Q No?

21 A No.

22 Q The gentleman who was there with Ty, do you recall
23 how he was acting that night?

24 A I can't remember.

25 Q Do you recall telling the police anything about

DIRECT EXAMINATION OF LATOYA PATTERSON BY MR. EVANS

1 what he said or how he acted?

2 A No.

3 Q Ms. Patterson, those are all the questions that I
4 have at this time. Please answer any questions Mr. Plexico
5 may have.

6 THE COURT: Mr. Plexico.

7 CROSS EXAMINATION

8 BY MR. PLEXICO:

9 Q Thanks for coming today.

10 A You welcome.

11 Q You did talk with the authorities once, right,
12 when they asked you to?

13 A Yes.

14 Q All right. You told them you went outside and you
15 were outside for 30 to 40 minutes before you heard the
16 gunshot, is that about right?

17 A Yes.

18 Q Okay. All right. And you were outside with Mel
19 -- Man Man?

20 A Man man.

21 Q Man, M-A-N, M-A-N, Man Man?

22 A I guess that's how you spell it.

23 Q Okay. And that is Devontre Priester, correct?

24 A Yes.

25 Q All right. Did he, did he come over with, with

CROSS EXAMINATION OF LATOYA PATTERSON BY MR. PLEXICO

1 Tyrek Mitchell, his uncle, and inquire about the, the---

2 A Yes.

3 Q ---tablet? So, he was part of their group?

4 A Yes.

5 Q Okay. All right. So, did you tell them that

6 Tyrek Mitchell was hyped up and he took off his jacket like

7 he wanted to fight? Do you remember telling them that?

8 A Yes.

9 Q Okay. All right. And Jamel Williams was trying
10 to calm him down?

11 A Yes.

12 Q And Elmore wouldn't go?

13 A Yes.

14 Q His -- was he scared to go?

15 A Who, Mr. Elmore?

16 Q Yeah.

17 A Yeah, he was scared.

18 Q Okay. So, things were kind of tense then?

19 A Uh-huh. (Indicating affirmatively.)

20 THE COURT: Is that a yes for the record? Is that
21 yes? We can't take down a uh-huh or huh-uh.

22 A Oh, yes.

23 Q Okay. And Elmore was saying, I didn't steal
24 anything?

25 A That what he said.

CROSS EXAMINATION OF LATOYA PATTERSON BY MR. PLEXICO

1 Q Okay. So you don't know what happened in the
2 house after you left?

3 A No, sir.

4 Q But they kept going on about getting the tablet
5 back?

6 A Yes, sir. He say he had some important things in
7 the tablet. That's all I remember he said.

8 Q He had, I think that you said, correct me if I'm
9 wrong, important personal information on the tablet?

10 A Yes, sir.

11 Q Okay. Did he say he had anything financial on the
12 tablet, financial stuff on the tablet?

13 A I can't remember.

14 Q Did you hear the uncle and Bernard Elmore, who
15 they call Smack, arguing --

16 A I can't---

17 Q -- over the tablet?

18 A No.

19 Q Okay. Was Bernard crying?

20 A Was he what?

21 Q He was scared. Was he crying?

22 A No.

23 Q Did you tell them to go outside, you weren't
24 having this in, in the house?

25 A Yes.

CROSS EXAMINATION OF LATOYA PATTERSON BY MR. PLEXICO

1 Q Okay. Did they, did they listen to you and obey?

2 A No.

3 Q Okay. How many times did you tell them to leave?

4 A About five or six times.

5 Q You told them to leave five or six times. Okay.

6 But they kept going on and on about the tablet?

7 A Uh-huh. (Indicating affirmatively.)

8 THE COURT REPORTER: Is that a yes?

9 THE WITNESS: Yes.

10 BY MR. PLEXICO:

11 Q And Jamel had been staying there, correct?

12 A Yes.

13 Q Okay. All right. And Jamel was trying to, to
14 calm Ty Mitchell down?

15 A Yes.

16 Q Cause he was hyped up?

17 A Yes, about the tablet that Bernard had stolen.

18 MR. PLEXICO: Court's indulgence.

19 (Pause.)

20 BY MR. PLEXICO:

21 Q And Jamel put your kids on the bus and picked them
22 up?

23 A Yes.

24 MR. PLEXICO: I don't have anything further.

25 THE COURT: Mr. Evans.

REDIRECT EXAMINATION OF LATOYA PATTERSON BY MR.
EVANS

1 REDIRECT EXAMINATION

2 BY MR. EVANS:

3 Q Ms. Patterson, you never saw Ty make a threat?

4 A I can't remember.

5 Q Did you ever see him throw a punch?

6 A I don't know.

7 Q Did you ever see him pull a gun?

8 A No.

9 Q Do you recall telling the police anything about
10 how he calmed down?

11 A I can't remember.

12 MR. EVANS: That's all I have.

13 THE COURT: Anything further, Mr. Plexico?

14 MR. PLEXICO: No, Your Honor.

15 THE COURT: You may be excused, ma'am.

16 THE WITNESS: Thank you.

17 THE COURT: Call your next witness.

18 MR. EVANS: State calls Tracy McKinnon.

19 THE COURT: All right, sir.

20 Thereupon,

21 TRACY MCKINNON

22 was called as a witness, having been first duly sworn,

23 was examined and testified as follows:

24 DIRECT EXAMINATION

25

DIRECT EXAMINATION OF TRACY MCKINNON BY MR. EVANS

1 BY MR. EVANS:

2 Q Would you please identify yourself for the Court,
3 and spell your last name for the record?

4 A Tracy Allen McKinnon. Last name M-C-K-I-N-N-O-N.

5 Q And what do you do, sir?

6 A I'm a forensic toxicologist with the State Law
7 Enforcement Division. And it's more commonly referred to as
8 SLED.

9 Q What does that mean? Tell us about your job.

10 A Okay. As a forensic toxicologist, I'm responsible
11 for analyzing biological specimens such as blood or urine,
12 really anything that comes from the body, for the presence
13 or absence of drugs, alcohol, or poisons, and then interpret
14 those findings in the Court -- in Courts of Law.

15 Q Can you tell us about the education and training
16 you had to go through to be able to do this?

17 A Yes, I've got a Bachelor's of Science Degree with
18 a chemistry major from the University of North Carolina in
19 Charlotte. And I've also got a Master's of Science in
20 Forensic Science from Arcadia University with a
21 concentration in forensic toxicology.

22 Q How long have you been doing this for SLED?

23 A Almost 14 years.

24 Q How many times have you testified in Court like
25 this?

DIRECT EXAMINATION OF TRACY MCKINNON BY MR. EVANS

1 A Close to 40 times previously.

2 Q And have you been qualified as an expert?

3 A Yes, I have.

4 Q In what field specifically?

5 A As a forensic toxicologist.

6 MR. EVANS: Your Honor, the State would tender Mr.
7 McKinnon as an expert in the field of forensic
8 toxicology.

9 THE COURT: All right.

10 MR. PLEXICO: Could I cross him on that?

11 THE COURT: Certainly.

12 VOIR DIRE EXAMINATION

13 BY MR. PLEXICO:

14 Q Okay. So, you have a Bachelor's Degree, is that
15 correct, sir?

16 A Yes, sir, I do.

17 Q All right. And -- so you don't have a Ph.D.?

18 A No, sir, I do not have a Ph.D.

19 Q Okay. So, you're trained to run the equipment?

20 A I, as a toxicologist, I use the equipment. I also
21 interpret the results that are, that are -- analyses that
22 are provided.

23 Q Okay. But you're not a medical doctor, correct?

24 A That is correct.

25 Q Okay. And you're not trained in medicine?

VOIR DIRE EXAMINATION OF TRACY MCKINNON BY MR.
PLEXICO

1 A I'm not trained in medicine, no, sir.

2 Q Okay. And you don't know proper medical
3 procedures about any particular subject, is that correct---

4 A As far as---

5 Q ---because you haven't been trained?

6 A As far as medical procedures go, no, I don't.

7 Q Okay. All right. So, you can tell, because the
8 machine gives you a specific reading, for instance, if
9 there's amphetamines in the body?

10 A If an instrument in one of our analyses gives us a
11 result, based on my education and the training that I've
12 gone through, and the continuing education that, that I
13 maintain, I can interpret that result within a reasonable
14 degree of scientific certainty.

15 Q Okay. So, doesn't the machine tell you what it
16 reads?

17 A I'm sorry?

18 Q Doesn't the machine tell you what it reads?

19 A The instruments, after we perform specific
20 chemical manipulations of, of blood samples or urine
21 samples, we will get a quantitative figure, or sometimes
22 just a qualitative figure indicating the presence of a drug.

23 Q Okay. And the machine will give you a percentage
24 of that, that will give you a figure as a printout, the
25 machine does?

VOIR DIRE EXAMINATION OF TRACY MCKINNON BY MR.
PLEXICO

1 A The instrument does, yes, sir.

2 Q Okay. All right. So you prepare, according to
3 the manufacturer's directions, the blood and then the
4 machine should give you a good, a good result?

5 A We prepare our samples according to our specific
6 procedures and protocols, perform our analyses, quality
7 controlled reviewed, and then analyze the specimens, and
8 then we get a quantitative value from these instruments that
9 we use, yes, sir.

10 Q Okay. Does the machine have instructions for how
11 it is to function properly and how you're supposed to
12 prepare the blood?

13 A Yes, sir, our instruments do have manufacturer's
14 recommended guidelines for, for use.

15 Q So y'all don't follow those recommended
16 guidelines, I take it from your previous answer?

17 A We do.

18 Q Okay. So, you read the instruction book, set the
19 machine up properly, and then get a result and you put --

20 A Very simply speaking, yes.

21 Q Okay. All right. Well, I mean, do you
22 reinterpret the results that it gives you? I didn't get the
23 interpretation part. Couldn't you just read the number that
24 it gives you and then you'd put it down on a piece of paper?

25 A The interpretation part comes for, for when I

VOIR DIRE EXAMINATION OF TRACY MCKINNON BY MR.
PLEXICO

1 testify here in Court or any pretrial conferences that I'll
2 have with solicitors or defense attorneys.

3 Q Okay. But my point is, is you don't have a
4 medical degree, right?

5 A No, sir, I, I do not have a medical degree.

6 Q So, you can't interpret -- you can -- we can --
7 you can regurgitate and repeat the result that the machine
8 tells you, but you don't know, biologically, because you're
9 not a doctor, what that means in a specific person's body;
10 is that correct?

11 A Because of my education and training in
12 pharmacology and pharmacokinetics, and dynamics, yes, I can
13 interpret that number and exactly what it means within a
14 reasonable degree of scientific certainty.

15 Q But what does that mean?

16 A That means that if the instrument gives a result
17 of whatever drug, I can give you a very reliable
18 interpretation of what I would expect that drug to do to
19 that individual as far as physically and, and mentally.

20 Q Okay. And what studies -- because humans are
21 different. For instance, some people could smoke ten joints
22 and they're barely bothered, and then other people could
23 smoke a half a joint and they're just -- be all gah gah and
24 happy and laughing. So, how you apply -- how could you
25 possibly apply all of this to different individuals and the

VOIR DIRE EXAMINATION OF TRACY MCKINNON BY MR.
PLEXICO

1 different ways that they have drugs -- that, that drugs
2 affect them, for instance?

3 A By staying current on, on the literature of, of
4 research that's performed. And it's, it's an ever-evolving
5 field as far as drug research, how drugs affect people
6 differently. It -- it's a very common fact that, that
7 you're exactly right, that certain drugs are affected to a
8 different degree amongst other people.

9 Q What is well known is that, that effects of
10 marijuana on people, there is no universal consensus on what
11 it is?

12 A You're exactly right.

13 Q Okay. And that goes for every other drug, doesn't
14 it?

15 A Most other drugs are more, are more stringently
16 studied such as ethanol. Ethanol is, is a drug that is, is
17 basically gonna affect everybody the same every time. There
18 are drugs that we just can't study because it's morally and
19 ethically wrong and illegal to do that.

20 Q All right. Aren't many drugs that doctors
21 prescribe, they have a long list of side effects that affect
22 different parts of the population not all the same?

23 A I'm sorry. Can you---

24 Q Don't they have disclaimers when you get, when you
25 get your medicine out of the bag, and you pull out the

VOIR DIRE EXAMINATION OF TRACY MCKINNON BY MR.
PLEXICO

1 little deal on it, and it gives you the pharmacological
2 background, and it lists the side effects that are possible.
3 And if you get one of these side effects that are listed,
4 you need to call your doctor?

5 A I -- yes, I agree with that statement.

6 Q Okay. So, we don't know how any drug affects
7 anyone individually?

8 A There certainly are idiosyncratic effects for
9 every drug, meaning that there are effects that are not, not
10 intended, or there are effects that just, just happen that
11 are just not known.

12 Q Okay. So, you can give a general impression of
13 what you think it should do to an average person, but you
14 can't apply that to a specific person, correct?

15 A That's exactly right. As, as a doctor who has
16 medical training would have that same type of possible
17 interpretative skill.

18 MR. PLEXICO: I would object to his qualification
19 as an expert because I think it's just -- this is
20 machinations on reading a machine.

21 THE COURT: Okay. Overruled.

22 MR. PLEXICO: Thank you.

23 THE COURT: Ladies and gentlemen, in this case,
24 Mr. McKinnon is being qualified as an expert in the
25 area of forensic toxicology. That allows him to give

VOIR DIRE EXAMINATION OF TRACY MCKINNON BY MR.
PLEXICO

1 his opinion and the reasons for his opinion. That's
2 for you to use as you see appropriate, and as compared
3 to other evidence in this case.

4 MR. EVANS: Thank you, Your Honor.

5 DIRECT EXAMINATION CONTINUED

6 BY MR. EVANS:

7 Q Mr. McKinnon, what did you do in this case?

8 A In, in this case with -- generally, with any
9 violent death type case such as a homicide, or suicide,
10 traffic fatality, we do a -- basically a very specific
11 simple test. We do a, a blood alcohol test looking for
12 ethanol. And then we do a comprehensive drugs of abuse
13 screen targeting just specific types of, of classes of
14 drugs.

15 Q What do you need in order to do that? What do you
16 need in order to perform these tests?

17 A As far as sample goes, anything that we get from
18 the body we can use. It's preferred that we use blood
19 because blood is actually -- any time that, that blood is
20 taken from the body it provides a snapshot of exactly what
21 is in that, that blood at the time that it was drawn.

22 Q And did you have a sample in this case?

23 A Yes, sir, I did.

24 Q Where did that sample come from?

25 A If you'd allow me to refer to my notes?

DIRECT EXAMINATION CONTINUED OF TRACY MCKINNON BY
MR. EVANS

1 Q Please.

2 A According to the report that I issued, the sample
3 was a femoral blood sample that was labeled Mitchell, Tyrek.

4 Q Does it have a number on it?

5 A The, the number that is given with our -- on our
6 report is the Newberry Pathology autopsy number. That
7 number is FA18-211.

8 Q And what did you do once you had that sample?

9 A Okay. As I said, the very first thing that we do
10 is a blood volatiles analysis looking for ethanol, excuse
11 me, and also a couple other volatile compounds, methanol,
12 acetone, and isopropanol. These compounds give us an
13 indication of any type of acetoacetate, doses that may
14 happen as far as, you know, somebody with diabetes, if
15 they're having some kind of a diabetic event. Methanol,
16 which is commonly referred to as grain alcohol, would give
17 us an indication of whether or not somebody is, is just
18 drinking bad alcohol, which can lead to blindness in a lot
19 of cases. And also ethanol, which is, you know, the common
20 alcohol that is found in, in drinks.

21 Q Did you find any of those substances in Mr.
22 Mitchell?

23 A This, this sample is completely negative for all
24 those compounds.

25 Q What did you do next?

DIRECT EXAMINATION CONTINUED OF TRACY MCKINNON BY
MR. EVANS

1 A Yeah, so the next, next test that we run is our
2 drug abuse screen where we're looking for specific classes
3 of drugs, such as amphetamines, cocaine, excuse me,
4 marijuana, and then opiate type drugs, and then a class of
5 drugs called benzodiazepine such as Valium or Xanax.

6 Q Did you find any of those substances?

7 A This sample screened positive for marijuana
8 indication, and also benzodiazepine indication, and opiate
9 indication.

10 Q Okay. What do those mean to you, if anything?

11 A Okay. So, these, these tests are presumptively
12 positive tests meaning that there -- any one of the drugs
13 that falls into these classes can trigger a positive
14 response. So, then we take whatever, whatever positive
15 samples that we get and we then confirm and quantitate those
16 samples or those, those classes to specifically identify
17 exactly which compound it is, and how much of that compound
18 is present.

19 Q And I -- what can you tell about the compounds in
20 Mr. Mitchell?

21 A So, in, in this sample, Mr. Mitchell had
22 tetrahydrocannabinol, which is the active ingredient in
23 marijuana, and also its primary inactive metabolite,
24 11-carboxy tetrahydrocannabinol. And then also the, the
25 sample had Morphine, and Midazolam.

DIRECT EXAMINATION CONTINUED OF TRACY MCKINNON BY
MR. EVANS

1 Q What do those mean to you? I think we all have a,
2 you know, a general understanding of marijuana and how it
3 works, but what can you tell us about the others?

4 A Typically, when you see Morphine and Midazolam in,
5 in a death case, that can be an indication to us, as a
6 toxicologist, that this person was treated at -- in a
7 hospital setting.

8 MR. PLEXICO: Your Honor, I think I would object
9 to that, and I would move to strike. I don't think he
10 has the qualifications, as a doctor, to say what
11 happens in a hospital.

12 THE COURT: Overruled.

13 MR. EVANS: I---

14 THE COURT: I think he can testify to it.

15 MR. EVANS: Based on the evidence.

16 THE COURT: Go ahead.

17 BY MR. PLEXICO:

18 Q Please continue.

19 A So, Morphine and Midazolam are used typically in
20 resuscitative type measures in emergency situations. One to
21 bring comfort to, to an individual, and two, to -- the
22 Midazolam as a short-acting kind of amnesia type drug so
23 that any procedure that they're undergoing while they're
24 still -- they can still be awake, they're not totally aware
25 of what's going on.

DIRECT EXAMINATION CONTINUED OF TRACY MCKINNON BY
MR. EVANS

1 Q So, generally associated, in your experience with
2 treatment, lifesaving?

3 A With trying to -- yeah, revive somebody, yes.

4 MR. EVANS: Those are all the questions I have,
5 Your Honor. Please answer any questions Mr. Plexico
6 may have.

7 THE COURT: Mr. Plexico.

8 CROSS EXAMINATION

9 BY MR. PLEXICO:

10 Q You said "typical", but that's not always because
11 you had Morphine, right?

12 A Certainly there are opioid addicted individuals
13 out there in, in society.

14 Q And these Diazepines, which I think the new thing
15 is there are people out there popping all kinds of slabs of
16 Xanaxes and anything else they can get their hands on,
17 right?

18 A There certainly are indications in, in society
19 where people abuse these drugs. That -- that's a very true
20 fact.

21 Q Are doctors over at the hospital in Augusta giving
22 people marijuana yet that you're aware of?

23 A As far as I know there aren't any doctors that
24 would, would prescribe marijuana in, in a, in a hospital
25 setting.

CROSS EXAMINATION OF TRACY MCKINNON BY MR. PLEXICO

1 Q No question that would be an elicit drug in the --
2 in his body, would it, at least that one?

3 A I agree with that statement, yes, sir.

4 Q Oh, okay. So, he had elicit drugs, but we don't
5 know how many of the three in him were elicit; is that
6 correct?

7 A That -- that's correct.

8 MR. PLEXICO: All right. I don't have anything
9 further.

10 THE COURT: Anything further?

11 MR. EVANS: Ask that he be excused.

12 THE COURT: All right. You may be excused, sir.
13 Thank you.

14 THE WITNESS: Thank you.

15 THE COURT: Call your next witness.

16 MR. EVANS: Your Honor, may we approach briefly?

17 THE COURT: You may.

18 (Bench conference.)

19 MR. EVANS: Thank you, Your Honor. Before the
20 next witness, Mr. Plexico and I have agreed to some
21 stipulations that I'd read into the record at this time
22 to explain the next witness' testimony.

23 THE COURT: Ladies and gentlemen, stipulations are
24 just agreements between the two attorneys as to
25 something specific, and you are to accept that, those

CROSS EXAMINATION OF TRACY MCKINNON BY MR. PLEXICO

1 as fact. So, go ahead and read them into the record.
2 And, again, the two attorneys have agreed to this, of
3 course with consent of the Defendant.

4 MR. EVANS: Thank you, Your Honor. The first.
5 The remains examined (sic) -- examined by Doctor Ross
6 were those of Tyrek Mitchell. Second, SLED internal
7 chain of custody for all items evaluated by testifying
8 forensic scientists is intact. Third, Thomas Darnell,
9 SLED forensic scientist, examined the gun entered into
10 evidence for fingerprints and found none. Afterwards,
11 he wiped the gun with swabs for purposes of developing
12 a DNA profile. Those swabs reported to the DNA case
13 worker department for further analysis. And, fourth,
14 Anglika Dodwani, SLED forensic technician, took the
15 sample of Tyrek Mitchell's remains and preserved a
16 known DNA standard, which she forwarded to the DNA
17 section for further analysis.

18 THE COURT: Okay.

19 MR. EVANS: Thank you. I'll enter these as a
20 Court's exhibit.

21 THE COURT: Thank you.

22 *(Whereupon, Court's Exhibit No(s). 2 marked for*
23 *identification and received in evidence.)*

24 MR. EVANS: Ryan DeWane is our next witness.

25 Thereupon,

DIRECT EXAMINATION OF RYAN DEWANE BY MR. EVANS

1 RYAN DEWANE

2 was called as a witness, having been first duly sworn,
3 was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. EVANS:

6 Q Would you identify yourself for the Court, and
7 spell your last name?

8 A Ryan DeWane, D-E-W-A-N-E.

9 Q And where do you work, ma'am?

10 A I work at the South Carolina Law Enforcement
11 Division, also known as SLED, in the DNA casework
12 department.

13 Q DNA casework. Tell us about that. What do you do
14 there?

15 A I receive evidence from agencies across the State.
16 I then attempt to develop DNA profiles from the evidence,
17 and compare it to the DNA profiles of known individuals
18 associated with the case. I then write a report of my
19 findings and testify in Court.

20 Q And what sort of education and training do you
21 have to go through to be able to do this?

22 A I have a Bachelor of Science Degree in Biology
23 preprofessional from Appalachian State University in Boone,
24 North Carolina. I also have two minors in chemistry and
25 English. During my education, I completed courses in

DIRECT EXAMINATION OF RYAN DEWANE BY MR. EVANS

1 molecular biology, genetics, statistics, and biochemistry.
2 These four courses are considered the foundations of
3 forensic biology by the FBI.

4 Upon being hired by SLED, I underwent
5 extensive training program. The training program included
6 practice samples, training samples, mock cases, written
7 exams for DNA and serology, a report writing exam, an oral
8 exam, and competency, and a mock court exam.

9 Q And how long ago were you hired by SLED?

10 A I've been at SLED approximately four years.

11 Q How many times have you testified in Court like
12 this?

13 A This will be my third time.

14 Q How many cases have you worked on as a DNA
15 analyst?

16 A Probably a few hundred.

17 Q Have you ever been qualified as an expert in Court
18 before?

19 A I have.

20 Q In what field?

21 A DNA analysis and forensic serology.

22 MR. EVANS: Your Honor, the State would tender Ms.
23 DeWane as an expert in the field of DNA analysis.

24 MR. PLEXICO: May I?

25 THE COURT: You may.

DIRECT EXAMINATION OF RYAN DEWANE BY MR. EVANS

1 MR. PLEXICO: Thank you.

2 VOIR DIRE EXAMINATION

3 BY MR. PLEXICO:

4 Q So, you're not a professional. You're a
5 preprofessional, is that right?

6 A Can you rephrase---

7 Q What was your degree, preprofessional?

8 A Preprofessional which is pre-Medicaid -- premed,
9 pre-veterinary, pre-dental.

10 Q So, it's not a professional degree in DNA
11 analysis?

12 A That's correct.

13 Q Okay. All right. But there is -- never mind.
14 All right. And is this your first job with SLED doing this?

15 A This is my first job with SLED.

16 Q In doing DNA analysis?

17 A No.

18 Q What was your other job?

19 A I was a DNA analyst for a private laboratory in
20 Greenville, North Carolina.

21 Q How long were you there?

22 A Approximately four months.

23 Q Okay. Were you at -- did you have another job
24 doing DNA analysis?

25 A No.

VOIR DIRE EXAMINATION OF RYAN DEWANE BY MR. PLEXICO

1 Q Okay. All right. When did you graduate from
2 Appalachian State?

3 A 2012.

4 Q Okay. Then you -- when did you work for the
5 Greenville business in DNA analysis?

6 A I think -- I believe it's 2015.

7 Q Okay. And when did you get your job at SLED?

8 A 2016.

9 Q Okay. What did you do in-between 2012 and 2015?

10 A I was working as a veterinary technician.

11 Q Okay. And that has nothing to do with DNA
12 analysis, right?

13 A That's correct.

14 Q Okay. Do you feel like your skills got rusty in
15 those three years?

16 A It was not three years.

17 Q It was how many months then, total?

18 A Can I have a minute to calculate real quick?

19 Q Excuse me?

20 A It was from July 2015 to February 2016.

21 Q Okay. You graduated in 2012, correct?

22 A That's right.

23 Q So, what did you do from 2012 to 2015?

24 A I was working as a veterinary technician.

25 Q Okay. All right. That's what I was asking. All

VOIR DIRE EXAMINATION OF RYAN DEWANE BY MR. PLEXICO

1 right. So, that's two and a half years?

2 A Sure.

3 Q Okay. So, your training is with SLED and with an
4 FBI course?

5 A My training is with SLED. And I was also trained
6 at the private laboratory.

7 Q Okay. But you only -- were only there four
8 months?

9 A That's correct.

10 Q All right. When did you get off employee
11 probation, 90 days?

12 A I don't know what that means.

13 Q I mean, didn't they hire you in a probationary
14 period, and after 90 days you're like a full-fledged
15 employee?

16 A At SLED, it's---

17 Q No, no. The Greenville place.

18 A There was no probationary period---

19 Q Oh, okay.

20 A ---at Greenville.

21 Q All right. So, at SLED, you've been at SLED for
22 three years?

23 A Four years.

24 Q Four years. Okay. All right. Back to the
25 training; so you have SLED training, correct?

VOIR DIRE EXAMINATION OF RYAN DEWANE BY MR. PLEXICO

1 A That's correct.

2 Q You've had training at the FBI? Is there an FBI
3 institute training that you took?

4 A No.

5 Q Okay. So, your training's exclusively at SLED?

6 A That's correct.

7 Q Okay. So, this is in-house training?

8 A Yes, that's correct.

9 Q Okay. And what kind of machines do y'all use to
10 work and come up with this stuff?

11 A For DNA analysis?

12 Q Yes.

13 A We have several instruments that we use throughout
14 the process, and we're trained on every instrument with
15 practice samples, training samples, mock cases, and
16 competency testing, and proficient testing.

17 Q Okay. Who -- but who does the maintenance on the
18 machines?

19 A We have DNA technicians that do the maintenance.
20 And we also have the people who work for the companies come
21 out and do maintenance occasionally as well.

22 Q Okay. And how do you know that -- those
23 maintenance standards were upheld?

24 A Well, we have documentation of their maintenance
25 and their certified technician.

VOIR DIRE EXAMINATION OF RYAN DEWANE BY MR. PLEXICO

1 Q Okay. Did you bring that with you?

2 A No, it's outside of my scope.

3 Q So, you don't know how to check it?

4 A I'm sorry?

5 Q You don't know how to check it then yourself?

6 It's outside---

7 A Our maintenance logs?

8 Q Yeah.

9 A I know where our maintenance logs are. They're on
10 the instruments.

11 Q But you don't know how to check it to see if they
12 are correct?

13 A It says they passed, so that would be that they're
14 correct.

15 Q You rely on that?

16 A Yes.

17 Q And you rely on somebody else to make sure the
18 machine is working fine?

19 A Yes, that's correct.

20 MR. PLEXICO: I object to her qualifications as an
21 expert witness.

22 THE COURT: All right. Respect -- respectfully
23 denied. In this case, Ms. DeWane is being qualified as
24 an expert in the area of DNA analysis and forensic
25 serology. That allows her to give her opinion, and the

VOIR DIRE EXAMINATION OF RYAN DEWANE BY MR. PLEXICO

1 reasons for her opinion. And, again, that's for you to
2 use as you see appropriate as compared to other
3 evidence in the case.

4 Mr. Evans.

5 MR. EVANS: Thank you, Your Honor.

6 DIRECT EXAMINATION CONTINUED

7 BY MR. EVANS:

8 Q Ms. DeWane, can you -- we're obviously going to
9 talk about what you did specifically in this case. But can
10 you give us a little more about what DNA is, why it's
11 important, and how you do your job, those sort of things?

12 A DNA stands for deoxyribonucleic acid. It's a
13 chemical that's found in all of our bodies. We get half of
14 our DNA from our mother, and half from our father. And,
15 aside from identical twins, no two people have the same DNA.
16 As far as forensics go, we use DNA to compare -- the DNA
17 developed at a pro -- at a -- from evidence to the DNA
18 profiles of known individuals with the case.

19 Q What's a known individual? What does that mean?

20 A Just anyone where we know their name and we take a
21 standard from them directly.

22 Q So, you can't work without standards?

23 A We can, but we just can't do any DNA comparisons
24 without a standard.

25 Q Because the way it works is you, you look at two

DIRECT EXAMINATION CONTINUED OF RYAN DEWANE BY MR.
EVANS

1 next to each other and see if they match, more or less?

2 A More or less, yes.

3 Q How did you become involved in this case?

4 A This case was self-assigned. We have cases based
5 on priority that we will work.

6 Q And what sort of materials did you receive in
7 order to perform your analysis? Sort of samples I should
8 say.

9 A I received multiple swabs from different markers
10 at the crime scene as well as swabs from a gun.

11 Q Okay. And how about known standards?

12 A I also received two known standards from Tyrek
13 Mitchell and Jamel Williams.

14 Q Okay.

15 MR. EVANS: Beg the Court's indulgence.

16 (Pause.)

17 MR. EVANS: May I approach, Your Honor?

18 THE COURT: You may.

19 BY MR. EVANS:

20 Q Ms. DeWane, I'm gonna hand you four items, and
21 I'll ask if you can walk us through what they are. Refer
22 to, I suppose, the number on the yellow label so we know
23 what each one is before we try to move them into evidence.

24 A This is SLED items 1, 2, 3, 4, and 6, which are --
25 Items 1 are swabs from Marker A. Item 2 are swabs from

DIRECT EXAMINATION CONTINUED OF RYAN DEWANE BY MR.
EVANS

1 Marker B. Item 3 are swabs from Marker C. Item 4 are swabs
2 from Marker D. And Item 6 are swabs from Marker F.

3 Q Okay. How about the next bag? I'll retrieve that
4 one.

5 A This is Sled Items 7.1, 7.2, 8.1, and 9.1.

6 Q And do those refer to?

7 A SLED Item 7.1 is swabs from trigger Item 7
8 revolver. 7.2 is swabs from grip and hammer of Item 7,
9 revolver. 8, 8.1 is swabs from Item 8, cartridge cases.
10 And Item 9.1 is swabs from Item 9, cartridge.

11 Q Okay. That's all in one bag?

12 A That's correct.

13 Q Okay. How about the next bag?

14 A This is SLED Item 23.1, which is dried blood
15 standard from Tyrek Mitchell, and this is SLED Item Number
16 30. And that is known standard from Jamel Williams.

17 Q Okay. Thank you.

18 MR. EVANS: Your Honor, the State would move these
19 bags and their contents, I don't think there's any need
20 to unseal them, into evidence. The bag with Items 1,
21 2, 3, 4, and 6 in as State's 38. The bag with 7.1,
22 7.2, 8.1, and 9.1 in as 39. The known standard from
23 Mr. Mitchell in as 40, and the known standard from
24 Mr. Williams in as 41.

25 MR. PLEXICO: Without objection, Your Honor.

DIRECT EXAMINATION CONTINUED OF RYAN DEWANE BY MR.
EVANS

1 THE COURT: Without objection, they're in
2 evidence.

3 *(Whereupon, State's Exhibit No(s). 38-41 marked*
4 *for identification and received in evidence.)*

5 MR. EVANS: Thank you, Your Honor.

6 BY MR. EVANS:

7 Q Can you walk us through your findings once you had
8 this information?

9 A Can you rephrase?

10 Q Sure. Can you tell us what you found with each
11 sample that you received when you --

12 A Sure. For SLED Item 1, swabs from Marker A, the
13 results were presumptive testing for blood was positive. A
14 DNA profile suitable for comparison was developed.
15 Likelihood ratios were for this profile were calculated
16 using star mix. Likelihood ratio is the comparison of two
17 possible scenarios given a DNA profile. So, the results are
18 the number that is reported as supporting which of those
19 scenarios is more likely to have occurred based on the DNA
20 profile.

21 So, this is a comparison of both Tyrek
22 Mitchell and Jamel Williams separately. The DNA profile was
23 interpreted as a mixture originating from three individuals.
24 The person of interest is two unidentified, unrelated
25 individuals contributed to the mixture versus the

DIRECT EXAMINATION CONTINUED OF RYAN DEWANE BY MR.
EVANS

1 possibility that it's three unidentified, unrelated
2 individuals that contributed to the mixture. The result of
3 this comparison is, under the listed propositions, the
4 following individuals are excluded as contributors to this
5 mixture, Tyrek Mitchell and Jamel Williams.

6 Q So, do we know that Marker A is a mixture, or is
7 that just the way that you analyze it?

8 A I -- the profile that was developed was a mixture
9 of three individuals.

10 Q It was a mixture of three individuals?

11 A Yes.

12 Q All right. But none were Ty Mitchell or Jamel
13 Williams, which were your known standards?

14 A That's correct.

15 Q That's Marker A?

16 A Yes.

17 Q How about, how about Marker B?

18 A Presumptive testing for the blood was positive. A
19 DNA profile suitable for comparison was developed. Jamel
20 Williams is excluded as a possible contributor. Likelihood
21 ratios for this profile were calculated using star mix.
22 This is a comparison of just Tyrek Mitchell to the profile.
23 The DNA profile was interpreted as mixture originating from
24 two individuals. The first scenario is Tyrek Mitchell and
25 unidentified, unrelated individual contributed to the

DIRECT EXAMINATION CONTINUED OF RYAN DEWANE BY MR.
EVANS

1 individual versus the possibility that it's two
2 unidentified, unrelated individuals that contributed to the
3 mixture. The result of that comparison is Tyrek Mitchell is
4 excluded as a contributor to the mixture under the listed
5 propositions.

6 Q How about Marker C, which was Item 3?

7 A Presumptive testing for blood was positive. A DNA
8 profile suitable for comparison was developed. Tyrek
9 Mitchell and Jamel Williams are excluded as possible
10 contributors.

11 Q Is that the same result for Item 4, Marker D?

12 A That is the same result for Item 4, Marker D.

13 Q How about Marker F, Item 6, the last one, I
14 believe, of the, of the blood?

15 A Presumptive testing for blood was positive. A DNA
16 profile suitable for comparison was developed. Jamel
17 Williams is excluded as a possible contributor. Likelihood
18 ratios for this profile were calculated using star mix.
19 This is just a comparison of Tyrek Mitchell to the profile.
20 The DNA profile was interpreted as a mixture originating
21 from two individuals.

22 The first scenario is Tyrek Mitchell and an
23 unidentified, unrelated individual contributed to the
24 mixture versus the scenario where it's two unidentified,
25 unrelated individuals that contributed to the mixture. The

DIRECT EXAMINATION CONTINUED OF RYAN DEWANE BY MR.
EVANS

1 result of that comparison is the DNA profile's approximately
2 14 million times more likely if Tyrek Mitchell and an
3 unidentified, unrelated individual contributed to the
4 mixture than if two unidentified, unrelated individuals
5 contributed to the mixture.

6 Q That's Marker F?

7 A That's correct.

8 Q Is the only place in the blood samples where you
9 found support for Tyrek Mitchell's standard being there?

10 A That's correct.

11 Q How, how strong is 14 million?

12 A We have a verbal scale at SLED that determines how
13 strong these numbers are, what the weight of the statistic
14 is, and 14 million falls in our very strong support range,
15 which is our highest range.

16 Q So, that takes care of the blood, but that was not
17 all you analyzed, correct?

18 A I'm sorry? I didn't hear you.

19 Q That takes care of the, the blood samples.

20 A Yes, that's correct.

21 Q Do you have other samples?

22 A I did.

23 Q Want those again just to refresh our memory?

24 A Just the name of the items?

25 Q Just what -- do you remember what they were from?

DIRECT EXAMINATION CONTINUED OF RYAN DEWANE BY MR.
EVANS

1 A Yes, they were swabs from a revolver.

2 Q Okay. And you don't get the actual gun, do you?

3 A That's correct. I do not.

4 Q Somebody prepares a sample for you?

5 A That's correct.

6 Q All right. What did you find when you analyzed
7 those samples against your known standards?

8 A For Item 7.1, which is swabs from trigger of Item
9 7, revolver, a DNA profile suitable for comparison was
10 developed. Likelihood ratios for this profile were
11 calculated using star mix. This first set is only Tyrek
12 Mitchell compared to the profile. The DNA profile was
13 interpreted as a mixture originating from four individuals.

14 The first scenario is Tyrek Mitchell and
15 three unidentified, unrelated individuals contributed to the
16 mixture versus a scenario where it's four unidentified,
17 unrelated individuals that contributed to the mixture. The
18 result of that comparison is Tyrek Mitchell is excluded as a
19 contributor to the mixture under the listed propositions.

20 The second comparison is just Jamel Williams
21 to the mixture. The DNA profile was interpreted as a
22 mixture originating from four individuals. The first
23 scenario is Jamel Williams and three unidentified, unrelated
24 individuals contributed to the mixture versus the scenario
25 where it's four unidentified, unrelated individuals that

DIRECT EXAMINATION CONTINUED OF RYAN DEWANE BY MR.
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1 contributed to the mixture.

2 The result of that comparison is the DNA
3 profile is approximately 580 times more likely if Jamel
4 Williams and three unidentified, unrelated individuals
5 contributed to the mixture than if four unidentified,
6 unrelated individuals contributed to the mixture. According
7 to our verbal scale, this falls within our moderate support
8 range that the scenario where Jamel Williams and three
9 unidentified, unrelated individuals contributed to the
10 mixture is more likely to have occurred based on the DNA
11 profile.

12 Q But Tyrek Mitchell was excluded from the mixture
13 on the trigger?

14 A That is correct.

15 Q All right. You had another sample from the gun,
16 correct?

17 A Yes.

18 Q And this is a swab from the grip and hammer?

19 A That is correct.

20 Q Can you tell us what you found when you analyzed
21 that sample?

22 A A DNA profile suitable for comparison was
23 developed. Likelihood ratios for this profile were
24 calculated using star mix. This first comparison is just
25 Tyrek Mitchell to the profile. The DNA profile was

DIRECT EXAMINATION CONTINUED OF RYAN DEWANE BY MR.
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1 interpreted as a mixture originating from three individuals.
2 The first scenario is Tyrek Mitchell and two unidentified,
3 unrelated individuals contributed to the mixture versus the
4 scenario where it's three unidentified, unrelated
5 individuals that contributed to the mixture. The result of
6 that comparison is the DNA profile is approximately ten
7 times more likely if three unidentified, unrelated
8 individuals contributed to the mixture than if Tyrek
9 Mitchell and two unidentified, unrelated individuals
10 contributed to the mixture.

11 Q So, I hate to interrupt you. I'm sorry. But --
12 so that means you couldn't exclude Tyrek Mitchell from the
13 grip and handle?

14 A Right. That means that falls in our moderate
15 range that the scenario where three unidentified, unrelated
16 individuals contributed to the mixture is more likely than
17 the scenario where he is included as contributor based on
18 the profile.

19 Q More likely that he is not a contributor on this?

20 A That's correct. Well, that the profile existed
21 because of that scenario. That's correct.

22 Q And the second proposition said?

23 A This is just a comparison of Jamel Williams to the
24 profile. The DNA profile was interpreted as a mixture
25 originating from three individuals. The first scenario was

DIRECT EXAMINATION CONTINUED OF RYAN DEWANE BY MR.
EVANS

1 Jamel Williams and two unidentified, unrelated individuals
2 contributed to the mixture versus the scenario where it's
3 three unidentified, unrelated individuals that contributed
4 to the mixture.

5 The DNA profile is approximately eight times
6 more likely if Jamel Williams and two unidentified,
7 unrelated individuals contributed to the mixture than if
8 three unidentified, unrelated individuals contributed to the
9 mixture. This falls within our weak range of support that
10 the scenario where Jamel Williams and two unidentified,
11 unrelated individuals is more likely than if it's three
12 unidentified, unrelated individuals that contributed to the
13 mixture based on the DNA profile.

14 Q I'm just gonna go back over those two last results
15 briefly because your numbers are very close, but one is sort
16 of including and one's excluding it, correct?

17 A That's correct.

18 Q It's less likely that Tyrek Mitchell's profile was
19 on the grip and hammer ten times?

20 A The scenario---

21 Q That --

22 A Yeah, the scenario is -- the DNA profile is less,
23 less likely to have occurred if he is a contributor than if
24 he is not.

25 Q But the number is similar, but the reverse is the

DIRECT EXAMINATION CONTINUED OF RYAN DEWANE BY MR.
EVANS

1 case for Jamel Williams. Do I have that right?

2 A Wait. I might have just misspoken. Can I just
3 resay what I said just---

4 Q Well, of course. I want you to get it right.

5 A Sorry.

6 Q You're the expert in here.

7 A So, what I said was, it is ten times more likely
8 to see that DNA profile if it's three unidentified,
9 unrelated individuals than if Tyrek Mitchell and two
10 unidentified people are in the mixture. So, it's more
11 likely that the scenario where it's three unidentified
12 people is more likely.

13 Now is it if -- when you only compare Jamel
14 Williams, these are two separate comparisons. When you only
15 compare Jamel Williams to it, it's eight times more likely
16 that the scenario where him and two unidentified individuals
17 contributed to the mixture is more likely than if it's three
18 unidentified individuals that contributed to the mixture
19 based on the DNA profile.

20 Q Did you analyze anything else in this case?

21 A I did. I had swabs from Item 8, cartridge cases.
22 The result of that was no DNA profile was developed, and
23 then swabs from Item 9, cartridges, and that was no DNA
24 profile was developed.

25 Q So, you can't even begin to compare it to the

DIRECT EXAMINATION CONTINUED OF RYAN DEWANE BY MR.
EVANS

1 known standard because you can't get a profile from the
2 original source?

3 A That's correct.

4 MR. EVANS: Those are all the questions I have.
5 Please answer any question Mr. Plexico may have.

6 THE COURT: Mr. Plexico.

7 CROSS EXAMINATION

8 BY MR. PLEXICO:

9 Q What does it mean when it says, DNA types from
10 this mixture are not suitable for entry into the combined
11 DNA index system?

12 A Can you tell me which item you're talking about?

13 Q About all of them.

14 A I'm sorry.

15 Q About all of them, ma'am, cause that's what's on
16 the list to qualify, or at the end of each one of them,
17 isn't it, almost? See 7.2 at the---

18 A I see 7.1, yes.

19 Q ---at the bottom there.

20 A Yes.

21 Q Oh, okay.

22 A It means that there wasn't -- based on FBI
23 standards for entry into CODIS, it did not meet the
24 standards in order to put that into our -- into that system,
25 that national database.

CROSS EXAMINATION OF RYAN DEWANE BY MR. PLEXICO

1 Q Okay. So DNA isn't any good, as far as the
2 Federal government goes?

3 A Not exactly.

4 Q Is that what you---

5 A There are different standards for entry into CODIS
6 than there are for comparison.

7 Q So, we have lower standards when it comes down to
8 criminal court in South Carolina?

9 A No, they also use the exact same standards that we
10 use, the program star mix.

11 Q Well, correct me if I'm, if I'm wrong, but CODIS
12 is -- isn't that used to detect criminal activity?

13 A CODIS is a national database where we have
14 standards from known individuals. And we -- when you're
15 putting items into CODIS, we look for single-source profiles
16 or strong mixtures with a lot of DNA. This was a lower
17 level mixture meaning we can use it for some comparison, but
18 we cannot enter it, enter it into CODIS.

19 Q Okay. So, this isn't a good quality sample is
20 what you're saying?

21 A It is a good quality---

22 Q You couldn't---

23 A ---sample because it meets our standards for
24 interpretation, but it does not meet standards for entry
25 into the national database.

CROSS EXAMINATION OF RYAN DEWANE BY MR. PLEXICO

1 Q Okay. So, you couldn't then -- you could not
2 separate out an individual DNA? The best you could do is
3 get three or four together in these samples? You got a
4 mixture?

5 A Right. I'm trying to -- can you please rephrase?

6 Q Well, why couldn't you say -- you're talking about
7 these three contributors. Why couldn't you separate out
8 each one and then give us a number on each one?

9 A For some mixtures, if every person is contributing
10 approximately the same amount of DNA, we can't separate that
11 out into three DNA profiles. However, we can tell if
12 someone is included based on the DNA or excluded based on
13 the DNA. In this profile, because I'm not able to separate
14 that out, I can't enter that into the national database, but
15 it can be used for comparison.

16 Q So, y'all use algorithms to figure all this out?

17 A That's correct.

18 Q Kind of like the Internet?

19 A It's not the Internet. It's a statistical program
20 that we validated.

21 MR. PLEXICO: I don't have anything further.

22 THE COURT: Anything further, Mr. Evans?

23 MR. EVANS: No, Your Honor. We ask that she be
24 excused.

25 THE COURT: You may be excused. Thank you.

CROSS EXAMINATION OF RYAN DEWANE BY MR. PLEXICO

1 MR. PLEXICO: Can I have one more question, I'm so
2 sorry, before she goes? Please.

3 THE COURT: You finished, correct?

4 MR. PLEXICO: Well---

5 THE COURT: You can ask one more question. I
6 apologize since you're walking out the door. Go ahead.

7 BY MR. PLEXICO:

8 Q The nature of DNA, if somebody was deceased inside
9 a house or immobile, would there be any way for their DNA to
10 get up and go somewhere else like out by a car or something
11 if the ambulance didn't take them out there, or the
12 ambulance, stretcher or whatever? Is there any way for that
13 DNA to jump up and get outside?

14 MR. EVANS: I object to the question. This is
15 beyond her purview.

16 MR. PLEXICO: I'm asking her. She can answer if
17 she knows.

18 THE COURT: I don't know if I understand the
19 question.

20 BY MR. PLEXICO:

21 Q Can DNA get up and move? Does it float through
22 the air?

23 A DNA cannot get up and move.

24 MR. PLEXICO: Thank you.

25 REDIRECT EXAMINATION

REDIRECT EXAMINATION OF RYAN DEWANE BY MR. EVANS

1 BY MR. EVANS:

2 Q Can substances which contain DNA be moved?

3 A Yes.

4 MR. EVANS: Thank you.

5 THE COURT: All right. Are we done?

6 MR. PLEXICO: Yes, Your Honor.

7 THE COURT: All right. You are excused. Thank
8 you.

9 MR. EVANS: Chad Smith.

10 Thereupon,

11 CHAD SMITH

12 was called as a witness, having been first duly sworn,
13 was examined and testified as follows:

14 THE COURT: Don't ask him to spell his last name.

15 MR. EVANS: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MR. EVANS:

18 Q Would you please identify yourself, nonetheless,
19 without spelling your last name?

20 A My name is Chad Smith.

21 Q Where do you work, Mr. Smith?

22 A I'm employed with the South Carolina Law
23 Enforcement Division, which is commonly known as SLED.
24 Specifically I work in the firearms department at SLED's
25 forensic services laboratory in Columbia.

DIRECT EXAMINATION OF CHAD SMITH BY MR. EVANS

1 Q And what do you do in the firearms department?

2 A I'm a forensic scientist or examiner. My main
3 responsibilities include the examination of firearms,
4 ammunition, and ammunition components such as bullets and
5 cartridge cases. I also do serial number restorations on
6 firearms that have obliterated serial numbers. And we do
7 distance determination, target -- muzzle to target distance
8 determination for shotgun pellets.

9 Q Can you tell us about the education and training
10 that you had to go through in order to do this job?

11 A Attended Clemson University where I earned a
12 Bachelor's of Science Degree in Biological Sciences. And
13 then I started my training to become a firearms examiner
14 with SLED. This training program lasts between three to
15 five years. It is supervised by the court-qualified
16 examiners of the firearms department. It involves extensive
17 reading and studying. There are multiple examinations and
18 tests given during that time. Also attended various classes
19 and seminars and toured several firearm and tool
20 manufacturing facilities. Later in my training I helped the
21 other examiners prepare their casework. And at the end of
22 the training period I received a comprehensive multipart
23 examination, which I successfully completed, and then I
24 began to receive my own casework.

25 Q How long have you worked with SLED?

DIRECT EXAMINATION OF CHAD SMITH BY MR. EVANS

1 A A little over 11 years now.

2 Q Ballpark, how many cases have you been involved
3 in?

4 A Hundreds. I've, I've worked many hundreds of
5 cases and testified in quite a few.

6 Q Can you give us a ballpark on the number of times
7 you've testified?

8 A Over 65 times.

9 Q Have you been qualified as an expert in Court
10 before?

11 A Yes, sir.

12 Q In what field?

13 A Firearms identification.

14 MR. EVANS: Your Honor, the State would tender
15 Mr. Smith as an expert in the field of firearms
16 identification.

17 THE COURT: Mr. Plexico.

18 MR. PLEXICO: I have no questions. No objection.

19 THE COURT: All right. Ladies and gentlemen, in
20 this case Mr. Smith is being qualified as an expert in
21 the area of firearms identification. That allows him
22 to give his opinion, and the reasons for his opinion.
23 Just like other witnesses, that's for you to use as you
24 see appropriate, and as compared to other evidence in
25 this case.

DIRECT EXAMINATION OF CHAD SMITH BY MR. EVANS

1 MR. EVANS: Thank you, Your Honor.

2 BY MR. EVANS:

3 Q Mr. Smith, how did you become involved in this
4 case that we're here about today?

5 A I received several items of evidence for testing
6 that were submitted to the laboratory, and I did the
7 testing.

8 Q Okay. I'm passing you State's Exhibit 37, State's
9 Exhibit 34, and a box which contains State's Exhibit 24, 25,
10 and 26. Did you review all of those pieces of evidence?

11 A Yes, sir, those are items I received for testing.

12 Q And what do you do when you receive items like --
13 well, just refresh us. What are those items there?

14 A I received a revolver, and, ladies and gentlemen,
15 I, if it hasn't been said before, I've examined this
16 firearm, and it's safe to handle. It can't be fired. It's
17 got a lock through it. So, it, it is safe. So, this is a
18 revolver that I received for testing, as well as some fired
19 cartridge cases that was received with the revolver.

20 Q But not in the revolver?

21 A They were removed from the revolver by law
22 enforcement is what was indicated on some of the submission
23 documents.

24 Q I imagine also for safety just like the lock?

25 A Yes, sir.

DIRECT EXAMINATION OF CHAD SMITH BY MR. EVANS

1 Q All right.

2 A And there's some unfired cartridges. There was a
3 misfired cartridge as well, which means it's been struck by
4 the firing pen, but it did not fire.

5 Q You can tell that from a visual examination?

6 A Yes, sir, if you look at the, the base area of, of
7 the cartridge case, this is known as a rim fire cartridge,
8 which means that it has to be struck at the rim or this
9 portion here by the firing pin. So, one of the cartridges
10 has multiple strikes from a firing pen, which indicates it
11 being a misfire.

12 Q And what else did you receive? I think there are
13 two more left up there.

14 A I received several pieces of lead and, and a
15 bullet as well.

16 Q What is that number of the last one you referred
17 to?

18 A Oh, State's Exhibit 34.

19 Q Does that have any writing on it?

20 A Pardon?

21 Q What is, what is State's Exhibit 34? Does it have
22 any other labels?

23 A It, it -- it's got a -- it's an autopsy sticker.
24 One of the items is a fired bullet with a piece of lead.
25 And then I received two pieces of lead as well, which were

DIRECT EXAMINATION OF CHAD SMITH BY MR. EVANS

1 indicated as being either, either removed during surgery or,
2 or from the autopsy.

3 Q Okay. So, now we have all these items. Tell us
4 how you test firearms. You've already told us a little bit
5 about your visual examination of the, of the misfired
6 bullet. What do you do with everything else?

7 A Well, the first item of business would be to look
8 at what's submitted, and categorize it as to whether it's
9 fired, unfired, pieces of lead, or bullets. In this
10 particular case, received, with the revolver, were the
11 cartridge cases as well as the unfired and misfired. And,
12 again, those were indicated as being removed from the
13 revolver at some point. And, for the interest of time, we
14 really don't do a microscopic comparison of test fires with
15 those particular pieces of evidence because they have been
16 removed from the gun.

17 But, in the instance of the projectiles
18 themselves, I would look at them, try to determine a caliber
19 to see if I can do any sort of microscopic comparison with
20 test fires from the gun. So, I would test fire the firearm
21 itself.

22 And how we do that is we have a water tank
23 which I can fire into. The water slows down the bullet, and
24 it's trapped down in a cup that we can retrieve. So I can
25 look at the test fire specimens with each other, and then if

DIRECT EXAMINATION OF CHAD SMITH BY MR. EVANS

1 the specimens that were submitted as evidence were in good
2 enough shape to do a microscopic comparisons. I can go
3 further and try to determine if they were fired by the
4 firearm that was submitted.

5 Q Okay. And did you do all of that in this case?

6 A I did the---

7 Q Tell us what you found.

8 A The projectiles themselves were unsuitable for
9 examination or comparison to the firearm basically due to
10 damage, and there just wasn't markings on the gun or
11 projectiles themselves mostly due to damage just being of a,
12 a softer material lead. I was able to determine that
13 State's Exhibit 34, which was a bullet and it came with a
14 small piece of lead as well, the bullet itself was being
15 most consistent being .22 caliber, specifically .22 long
16 rifle caliber, which is the caliber that the firearm was
17 chambered for.

18 And as far as the pieces of lead, I couldn't
19 determine a caliber or origin or anything like that. It
20 didn't have any markings on it to tell, but they were
21 consistent in construction with being possible .22 caliber
22 bullets as well.

23 Q How about the other fired round that you received?
24 I can't remember the number.

25 A The -- referring to the misfired or --

DIRECT EXAMINATION OF CHAD SMITH BY MR. EVANS

1 Q No, sir. The other---

2 A -- the cartridge cases?

3 Q The other that appeared to be --

4 A Again, I think those were two pieces of lead,
5 which I couldn't determine a caliber, or even if they are
6 parts of a bullet. But they could have been parts of a
7 bullet at some time. They had characteristics, construction
8 of being possible .22 caliber bullet. But, again, I
9 couldn't determine if it was fired by a particular gun or
10 not because it didn't have any markings of, of value on it.

11 Q Referring back to the fired, and unfired, and
12 misfired, the bullets and shells. Did they correspond with
13 the number of rounds that that firearm could hold?

14 A Yes, this revolver has a -- what's known as a
15 cylinder, which is here, and this -- what this does is
16 basically it turns. It revolves every time you fire it. It
17 moves to a different position, and you have to fire the
18 cartridge in that position or chamber. And then it will
19 just move to the next one every time you pull the trigger.
20 This particular firearm can hold nine rounds of ammunition.

21 So, judging what was removed from the gun, it
22 would correspond to -- it had a full cylinder. Specifically
23 there were five fired .22 long or long rifle caliber
24 cartridge cases, one misfired .22 long rifle caliber
25 cartridge, and unfired. So, a total of nine units of, or

DIRECT EXAMINATION OF CHAD SMITH BY MR. EVANS

1 pieces of ammunition in the gun.

2 Q Mr. Smith, what difference, if any, is there
3 between, in your line of work, between a revolver and other
4 types of guns?

5 A Well, specifically, handguns, we're just talking
6 about handguns in general, we usually see either revolvers
7 or semiautomatic pistols. And semiautomatic pistol differs
8 from a revolver in that it has a magazine. Typically it --
9 it's called a box magazine, detachable box magazine which
10 you insert the cartridges into. Then you would then put
11 that magazine in the firearm. Usually it's in the grip area
12 of a pistol. And then you would have to charge the gun,
13 which means basically you have to reciprocate the, the slide
14 portion which moves back and forth under spring tension to
15 chamber a round. At that point you're ready to fire.

16 So, every time you pull the trigger, the gun
17 would fire. The bullet exits the barrel, the cartridge
18 case, which is the leftover container, is extracted out and
19 ejected from the firearm, and then another round is
20 automatically loaded into the chamber and ready for firing
21 again. So, that cycle continues every time you pull the
22 trigger or you run out of ammunition.

23 Q Does that give you more to work with when you have
24 shells expelled from, from a semiautomatic?

25 A Typically, yes. If, if you or -- usually you have

DIRECT EXAMINATION OF CHAD SMITH BY MR. EVANS

1 cartridge cases left over, you know, from a, from a
2 semiautomatic pistol unless somebody picks them up. With a
3 revolver, usually, if you don't recover a gun, then
4 cartridge cases go with the gun because they have to
5 manually be removed from the gun.

6 MR. EVANS: Those are all the questions I have,
7 Your Honor. Please answer any questions Mr. Plexico
8 may have.

9 THE WITNESS: Thank you.

10 MR. PLEXICO: Thank you.

11 CROSS EXAMINATION

12 BY MR. PLEXICO:

13 Q So, thank you for being here today, sir. Okay.
14 So, you had one pistol to examine, correct?

15 A A revolver, correct.

16 Q Revolver. Okay. Now, y'all collected -- what was
17 it? Was it nine items, five fired .22 long caliber
18 cartridge cases, is that right---

19 A Correct.

20 Q ---out of the gun, one misfired one. That gave
21 you a total of six; is that correct?

22 A Correct.

23 Q And then that, that -- let me ask you this. The
24 misfired one, when it misfired, it wouldn't have made any
25 noise, correct?

CROSS EXAMINATION OF CHAD SMITH BY MR. PLEXICO

1 A Correct. It, it -- there was no firing of that
2 round. So, the firing pin struck the base, the rim of the
3 cartridge, but nothing happened. It didn't fire.

4 Q All right. And there are three unfired .22 long
5 calibers?

6 A Correct.

7 Q Okay. And certainly they're silent, right?

8 A Correct.

9 Q All right. So, if one did not reload, and do
10 people typically reload before they empty their guns in your
11 experience?

12 A I can't say.

13 Q Typical.

14 A You, you certainly could reload a firearm after
15 firing ammunition to be ready for the next time you go
16 shooting or defense situations. I can't say how long
17 cartridges or cart -- fired cartridge cases have been in a
18 gun, but you certainly could reload or leave as is.

19 Q If these were the only ones, hypothetically, and
20 you're an expert, if these are the only ones that, that were
21 fired from this gun, then there would have been five
22 gunshots that came from this gun that would have been
23 audible, is that correct?

24 A Correct. There were five empty cartridge cases.
25 So, the bullets had been fired through the gun and were

CROSS EXAMINATION OF CHAD SMITH BY MR. PLEXICO

1 missing from the cartridge cases. So, conceivably, they --
2 if they were fired from the gun the cartridge cases would be
3 left over, and there were five of them.

4 Q So, there would be five big noises?

5 A Correct.

6 Q I'm not -- I'm just trying to be plain. Not too
7 simplistic.

8 A Correct.

9 Q Okay. All right. And you said that the bullets
10 are consistent, but you can't say they're the same and came
11 from this gun, right?

12 A That's correct. Due to damage, and as far as the
13 marks that we would look at to try to determine if they were
14 fired by a particular gun, they just weren't there. But the
15 bullet itself that I recovered or submitted to me for
16 examination is most consistent with being a .22 long rifle
17 caliber.

18 MR. PLEXICO: Okay. I don't think I have anything
19 else. Thank you, Your Honor. I have nothing else.

20 MR. EVANS: Nothing further, Your Honor.

21 THE COURT: All right. Any objection to Mr. Smith
22 being excused?

23 MR. EVANS: None at all.

24 MR. PLEXICO: None Your Honor.

25 THE COURT: Okay. You're excused, sir. Thank

CROSS EXAMINATION OF CHAD SMITH BY MR. PLEXICO

1 you.

2 THE WITNESS: Thank you, Your Honor.

3 MR. EVANS: Your Honor, may we approach?

4 THE COURT: Sure.

5 (Off-the-record discussion held.)

6 THE COURT: All right. Ladies and gentlemen,
7 we're gonna take a short recess. I need to remind you,
8 again, do not discuss this case. It wouldn't be
9 appropriate to do so. Go back to the jury room. Get
10 some water. We will be right back with you shortly.
11 All right. Thank you.

12 (The jury exits the courtroom.)

13 THE COURT: Okay. We're gonna just be at ease for
14 10 minutes or so, and I will come back. By the clock
15 at the back of the room, let's come back at 20 till
16 4:00. Okay. Thank you.

17 (Brief recess.)

18 THE COURT: Okay. What are we doing?

19 MR. EVANS: Your Honor, I believe, based on a
20 motion that I'm about to make, that we will be about to
21 rest. I just -- in this -- for the sake of being
22 thorough, I'll let you know. Laquia Patterson was on
23 our witness list. She lives -- you've heard her name,
24 obviously, Judge. But she lives, I believe, in Indiana
25 at this time. We were, therefore, not able to serve

CROSS EXAMINATION OF CHAD SMITH BY MR. PLEXICO

1 her. We didn't have an address or a phone number.
2 Special Agent McCallister only today received a phone
3 call from Ms. Patterson, who indicated that she would
4 have attended and testified had she been able to afford
5 to do so.

6 Obviously, we would have attempted to make
7 arrangements if that were the case -- if we knew about
8 that. She did make an offer, which is the subject of
9 my motion, to testify by Skype or closed circuit or
10 something to that effect, FaceTime. I know and
11 understand the objection Mr. Plexico is about to make.

12 THE COURT: Okay. Mr. Plexico.

13 MR. PLEXICO: Yes, Your Honor. I'm surprised by
14 that, Your Honor. I don't believe that would give
15 proper cross-examination, and we all know the
16 circumstances that she's in. And I would object
17 strenuously to any testimony subject to that.

18 THE COURT: I think, in certain cases, there is
19 procedures you can follow to go ahead and allow
20 certainly testimony by Skype, but the elements of
21 cross-examination. I'm not gonna allow it in this
22 case. It's too late today. We're done and the State
23 is resting their case.

24 MR. EVANS: Yes, ma'am. I completely understand,
25 and the State will rest.

CROSS EXAMINATION OF CHAD SMITH BY MR. PLEXICO

1 THE COURT: Okay. All right. So, we'll bring the
2 jury back out. You're gonna rest.

3 Mr. Plexico, do you have any witnesses?

4 MR. PLEXICO: Yes, Your Honor.

5 THE COURT: How many?

6 MR. PLEXICO: I've got at least two.

7 THE COURT: Okay.

8 MR. PLEXICO: My witness list didn't show up.

9 THE COURT: Okay. Why don't we go ahead right
10 now. We will do your directed verdict motions. I'll
11 bring the jury out. You will rest. And then I'll go
12 ahead and allow you to call your two witnesses. So now
13 is also a good time, excuse me, for me to go through
14 Mr. Williams' rights if he wishes to testify or not.

15 MR. PLEXICO: My client does plan to testify.
16 That might be a little lengthy. It's about 3:30. By
17 the time we do all this, it will be 3:45. My other
18 witness, I won't -- I don't mind putting my first
19 witness up, but I just would rather put him up
20 tomorrow, and then we finish tomorrow.

21 THE COURT: Okay.

22 MR. PLEXICO: Is that okay?

23 THE COURT: Sure. So, you have one witness or two
24 for this afternoon?

25 MR. PLEXICO: One this afternoon, Your Honor.

CROSS EXAMINATION OF CHAD SMITH BY MR. PLEXICO

1 THE COURT: Okay.

2 MR. PLEXICO: And then my client.

3 THE COURT: Okay. Is now a good time for me to go
4 through your client's rights and whether or not he
5 wishes to testify, or do you prefer for me to wait till
6 the morning?

7 MR. PLEXICO: You can go ahead and get it -- we
8 can get it over with now, and that's ready for
9 tomorrow, Judge.

10 THE COURT: Okay. Well, for the record, I
11 understand the State is gonna rest, and we will
12 formally do that when the jury comes back.

13 Mr. Williams, now is the -- we've come to the
14 point in the trial where you may present your defense.
15 I want to make sure you understand, sir, that you have
16 the right to testify or not testify in your own behalf.

17 The Fifth Amendment to the Constitution gives you
18 guarantees, and one of those is that no Defendant can
19 be made compelled to be a witness against themselves in
20 a criminal trial. What that means, sir, again, is that
21 you are not required to testify.

22 If you do not testify in this case, I will tell
23 the jury in my jury charge that you are presumed
24 innocent, and that it is not your responsibility to
25 prove yourself innocent. It's the burden of the State

CROSS EXAMINATION OF CHAD SMITH BY MR. PLEXICO

1 to prove you guilty of these charges beyond a
2 reasonable doubt.

3 However, I also want you to know that, if you
4 choose to testify in this case, you will be subject to
5 cross-examination just like any other witness, and they
6 can ask you questions that I deem relevant either to
7 this case or this incident, and also any qualifying
8 background criminal record that you have that I deem
9 it's appropriate that they can ask you about.

10 It's my understanding, originally, your lawyer
11 raised it. You have a conviction for strong armed
12 robbery, and that sentence was completely finished?
13 Correct me if I'm wrong, Mr. Plexico, did you say it's
14 2017?

15 MR. PLEXICO: Yeah, I believe so, Your Honor.

16 THE COURT: All right, sir. And it's my
17 understanding that you wish, if your client were to
18 testify, that he not be questioned about that; is that
19 correct?

20 MR. PLEXICO: Yes, Your Honor. I believe it to be
21 unduly prejudicial since all this, all this depends
22 on -- this is a testimonial case, and there's no DNA or
23 anything that really amounts to anything else. It's
24 just he said, she said.

25 THE COURT: Okay. All right. Well, respectfully,

CROSS EXAMINATION OF CHAD SMITH BY MR. PLEXICO

1 I do think it's appropriate. I think it's a qualifying
2 conviction previously. I don't think it's necessarily
3 unduly prejudicial cause I didn't hear anything in this
4 case about your Defendant being the person that
5 supposedly took this tablet. So, I don't think this is
6 something that comes close enough where it talks about
7 that he did any stealing or did anything along those
8 lines. But, respectfully, I'll let the State ask him
9 about that.

10 Is that the only qualifying conviction that you
11 would be asking to inquire about?

12 MR. EVANS: That's the only conviction I can find
13 of anything, Judge.

14 THE COURT: Okay. All right. Having said all
15 that, Mr. Williams, I just want to make sure you
16 understand the protections that are provided to you by
17 the Constitution, and have you had an opportunity to
18 speak with Mr. Plexico about whether or not you want to
19 testify?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Do you want to testify in this case?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: All right. And is that your decision?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: All right, sir. I find that it is

CROSS EXAMINATION OF CHAD SMITH BY MR. PLEXICO

1 intelligently made. You may sit down now.

2 Okay. How long is your witness for this afternoon
3 going to be, Mr. Plexico?

4 MR. PLEXICO: Fifteen minutes.

5 THE COURT: Okay.

6 MR. PLEXICO: Twenty minutes.

7 THE COURT: And what time are we gonna start back
8 up in the morning? I just want to be able to tell this
9 jury.

10 MR. EVANS: I'm comfortable starting a bit
11 earlier---

12 THE COURT: Okay.

13 MR. EVANS: ---if you'd like, Judge, since we would
14 be trying to close I imagine tomorrow.

15 THE COURT: Oh, we're gonna close tomorrow.

16 MR. EVANS: Yes, ma'am.

17 THE COURT: Okay.

18 MR. EVANS: I like 10:00. You know, you know
19 where I'm coming from.

20 THE COURT: Okay. All right. Well, let's do
21 this. We will start at 10:00 like we usually do.
22 We'll start off with your client if he's still gonna
23 testify in the morning, he will testify. But I'm,
24 right now, prepared to hear any motions you have, Mr.
25 Plexico.

CROSS EXAMINATION OF CHAD SMITH BY MR. PLEXICO

1 MR. PLEXICO: Yes, Your Honor. I move on
2 2018-GS-03-00045, Your Honor, on the count of murder, I
3 move for a directed verdict motion of not guilty on the
4 basis that they're claims in the indictment, there was
5 malice aforethought. I don't believe, in the actions
6 that are testified by -- to by all the witnesses,
7 Judge, that there could possibly be any finding that
8 there is -- of malice. And I would move for a directed
9 verdict in regards to 2018-GS-03-00045.

10 Furthermore, I move for directed verdict of not
11 guilty on attempted murder, Your Honor. That is
12 2018-GS-03-00044, and they are -- this requires
13 specific intent, Judge. And you know this, you know
14 they have to have evidence of that. Judge, and I do
15 not believe that they have put forth any evidence of a
16 specific intent to kill Raheme Granger. And I believe
17 that we're entitled to a directed verdict motion of not
18 guilty in regards to the indictment ending in 44.

19 Furthermore, if those two are granted, there would
20 be no basis for possession of a weapon during the
21 commission of a violent crime, which is
22 2018-GS-03-00043. And I would move for a directed
23 verdict on that, on the grounds that there is no other
24 violent crime that he's been convicted of in regards to
25 this. And then 46 has already been taken care of.

CROSS EXAMINATION OF CHAD SMITH BY MR. PLEXICO

1 THE COURT: All right. I'm sure you'd like to
2 respond, Mr. Evans.

3 MR. EVANS: Thank you, Your Honor. As to his
4 first motion concerning the murder indictment, as I
5 understand it, the basic motion is that there was no
6 evidence of malice. I completely disagree. I think
7 that Joe Loadholt's testimony, as difficult as it was
8 to extract, provides all the evidence that a jury would
9 ever need for a finding of malice. He said that the
10 Defendant locked the door, pulled out a gun, said he
11 would air this bitch out, and that was all before
12 firing shots which wound up killing Mr. Mitchell.

13 In this case, he said that Mr. Mitchell was
14 begging for his life. I don't know what other
15 evidence -- what could be stronger evidence of malice
16 than shooting someone who's begging for his life. I
17 would also add that there were multiple shots,
18 including two to the head.

19 I think that the direction in which one shoots is
20 certainly something that can take it from, from mere,
21 mere firing in the general area of a person to acting
22 with the clear intent to end their life.

23 And that actually leads me to my next response to
24 attempted murder motion. He said that there was no
25 specific intent. I would just note that the testimony

CROSS EXAMINATION OF CHAD SMITH BY MR. PLEXICO

1 indicates, from Mr. Granger himself, that he was
2 outside coming the opposite direction. So, the
3 shooting of Mr. Mitchell took place inside.

4 Mr. Granger was shot in the, in the portico or
5 coming from outside at the very least, and all his
6 blood is outside. We can tell that by the spitting and
7 the, and the fact that the blood outside did not
8 correspond to Mr. Mitchell other than Marker F by the
9 car. And he was also shot in the head, in the face. I
10 think that's clear evidence of specific intent to kill.

11 Again, this isn't shooting somebody in the foot.
12 It's the face. And I'll just, for cursory purposes,
13 say that if you were to grant his first two motions,
14 his third motion would be correct. But, if you don't,
15 is their motion as well.

16 THE COURT: Thank you. All right. Well, as to
17 the charge of murder, I think that there is evidence
18 from which this jury could determine that malice
19 aforethought existed just before and at the time of the
20 shooting. And specifically as to the murder, I do
21 think there is evidence to show specific intent to kill
22 by shooting someone in the face.

23 Obviously it goes to the jury and is proper to
24 consider possession of a weapon during the commission
25 of a violent crime. So, respectfully, I'm denying your

CROSS EXAMINATION OF CHAD SMITH BY MR. PLEXICO

1 motions for a directed verdict, Mr. Plexico. Okay.

2 MR. EVANS: May I have a brief moment to confer
3 with Steve?

4 THE COURT: Sure.

5 (Pause.)

6 MR. PLEXICO: May I, Your Honor? I'm going to see
7 if the---

8 THE COURT: Yes.

9 (Pause.)

10 MR. PLEXICO: And this is Timothy Myers who is
11 prepared to testify, Judge.

12 THE COURT: Okay.

13 MR. EVANS: If I could just put one thing on the
14 record very briefly --

15 THE COURT: Yes, sir.

16 MR. EVANS: -- Judge. My understanding from Mr.
17 Plexico, you ob -- you and the jury and everybody in
18 here obviously knows that I was muting and skipping
19 certain portions of the interview videos. Those were
20 stuff that I reviewed and found to be inadmissible. I
21 emailed those time stamps to Mr. Plexico over the
22 weekend. Received no indication that there was any
23 problem with those, and he's indicated he didn't have
24 any problem with them today. So, I just wanted to put
25 that on the record.

CROSS EXAMINATION OF CHAD SMITH BY MR. PLEXICO

1 THE COURT: Okay.

2 MR. PLEXICO: I think I've waived any objections,
3 Judge.

4 THE COURT: Thank you. All right. You ready to
5 bring the jury in?

6 MR. EVANS: Yes, ma'am.

7 THE COURT: So, you will formally just---

8 MR. EVANS: I will rest.

9 THE COURT: The State will rest and then I'll ask
10 you to call your first witness. Okay. Thank you. All
11 right. Bring them on in.

12 (The jury enters the courtroom at 4:03 p.m.)

13 THE COURT: All right. Mr. Evans.

14 MR. EVANS: Thank you, Your Honor. The State
15 rests.

16 THE COURT: Ladies and gentlemen, at this time the
17 State has rested their case. Now it's the opportunity
18 for the Defense to present any witnesses that they
19 choose to.

20 Mr. Plexico.

21 MR. PLEXICO: Thank you, Your Honor. Defense
22 calls Timothy Myers.

23 THE COURT: Come on forward, Mr. Myers, to be
24 sworn.

25 Thereupon,

DIRECT EXAMINATION OF TIMOTHY MYERS BY MR. PLEXICO

1 TIMOTHY MYERS

2 was called as a witness, having been first duly sworn,
3 was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. PLEXICO:

6 Q Yes, sir. Thank you for coming today. M-Y-E-R-S
7 is your spelling of your last name?

8 A Yes, sir.

9 Q Okay. All right. And, in 2018, were you living
10 here in Allendale?

11 A Yes, sir, in the Pinewood Apartments.

12 Q So you lived in Pinewood Apartments. Okay. All
13 right. On or about March 30th -- 21st, did something
14 unusual happen?

15 A Yes, sir.

16 Q Okay. All right. To begin with, do you know --
17 did you know Tyrek Mitchell?

18 A I knew his face from around the neighborhood
19 hanging with the guys. I didn't personally know him.

20 Q Okay. All right. Did you know my client?

21 A Yes, sir.

22 Q Are you related to Tyrek Mitchell?

23 A Well, I knew him as a children and who was in
24 the -- who was in children was close all my years of growing
25 up.

DIRECT EXAMINATION OF TIMOTHY MYERS BY MR. PLEXICO

1 Q Okay. All right. Did you know my client? Did
2 you have a relationship with my client?

3 A Yes, sir, that is my auntie's son.

4 Q He's who?

5 A That is my Auntie Daisy Roberts' son.

6 Q Okay. All right. Now, that evening, were you
7 coming to Pinewood Apartments?

8 A Yes, sir.

9 Q All right. And were you in a vehicle?

10 A Sir?

11 Q Were you in a vehicle?

12 A Yes, sir.

13 Q All right. What did you hear and what -- how did
14 you respond? What happened?

15 A Well, I was -- I was up -- I was coming from
16 Fairfax. I lived on the opposite side where the situation
17 happened at.

18 Q You live on the opposite side of --

19 A Of Pinewood -- of, of where the situation happened
20 at.

21 Q You lived in---

22 A Opposite side.

23 Q ---Pinewood Apartments?

24 A Uh-huh. (Indicating affirmatively.)

25 Q So, you were going home?

DIRECT EXAMINATION OF TIMOTHY MYERS BY MR. PLEXICO

1 A I -- my car was parked on that side. My brother
2 lived on that side too. So, when I got off work that day I
3 parked on that side and a cousin came and picked me up,
4 which name Quentin. Quentin Graham came picked me up and
5 asked me to go to Fairfax to drop his nieces and nephews off
6 to his in-law's house. So, on the way coming back to
7 Allendale, we came back through Barton, on Barton side down
8 Barton Road from Fairfax. So, we coming back on the
9 opposite side. We, we coming around to go on the side where
10 my vehicle at.

11 So, when we got almost around, like we heard
12 a pow. So, we looked at each other, and was like, You hear
13 that, cuz? You hear that? He was like, Yeah. He was like
14 go -- dude was like go -- let's go around the other side,
15 let's go around the other side. So, when we got around to
16 the other side, as we coming around on the other side, we
17 seen some group of boys, group of boys coming from the
18 apartment where the situation happened at.

19 So, when we -- when he, when he got around
20 there, he stopped the car. I jumped out and ran. When I
21 got to that doorway, Laquia Patterson and Toya Patterson,
22 they ran out. They ran out past me. So, when they ran out
23 past me, then I looked down. I was, Oh, my God, oh, my God.
24 The little---

25 Q What did you see when you looked down?

DIRECT EXAMINATION OF TIMOTHY MYERS BY MR. PLEXICO

1 A The little guy sitting there -- he was sitting
2 there like he was. He was shot. When I looked down, I was
3 like oh---

4 Q What did you see when you looked down?

5 A I seen, I seen a revolver by his foot and a, and a
6 Smith & Wesson, some kind of pistol on the right of him.

7 Q How could you tell it was a Smith & Wesson?

8 A Cause the symbol on it.

9 Q The symbol on it?

10 A Uh-huh. (Indicating affirmatively.)

11 Q Okay. All right. Where was the Smith & Wesson?

12 A To the right of his, to the right of him. Like
13 close by his body to the right of him.

14 Q Was that by his waist?

15 A Yes, sir.

16 Q Okay. Are you certain of that?

17 A I'm certain.

18 Q Okay. All right. Did you see this man come in
19 the apartment?

20 A He ran back, he ran back like he was coming to
21 check on the little guy. He -- like, I, I -- I assume he
22 called his name or something. He, he was like cuz or Ty or
23 something like that, and then---

24 Q Did you go outside?

25 A Yes, sir, right after he turned around and he ran,

DIRECT EXAMINATION OF TIMOTHY MYERS BY MR. PLEXICO

1 I went right, I went right behind him cause I didn't want to
2 stay in there any longer.

3 Q All right. Were a lot of people that were coming
4 in and out of the apartment?

5 A Yeah, up until the time Officer Ford arrived.

6 Q Okay. And you remember Officer Ford arriving?

7 A Yes, sir, he and my mom sitting there watching
8 him.

9 Q Okay. All right. So, you're certain that Tyrek
10 Mitchell had a Smith & Wesson beside his waist as he laid
11 down --

12 A I'm certain, sir.

13 Q -- bleeding --

14 A I'm certain.

15 Q -- after you heard what was an apparent shot?

16 A Yes, sir.

17 Q Okay.

18 MR. PLEXICO: Court's indulgence.

19 (Pause.)

20 MR. PLEXICO: Answer any questions the Solicitor
21 may have for you.

22 CROSS EXAMINATION

23 BY MR. EVANS:

24 Q Mr. Myers?

25 A Yes, sir.

CROSS EXAMINATION OF TIMOTHY MYERS BY MR. EVANS

1 Q You did not see the shooting, correct?

2 A No, sir.

3 Q You hear a bam?

4 A Uh-huh. (Indicating affirmatively.)

5 Q How many shots did you hear?

6 A That's the only one I heard.

7 Q Just one?

8 A Uh-huh. (Indicating affirmatively.)

9 Q And you ran towards that shooting?

10 A No, we was in the vehicle, and, and if you, if you
11 know how the apartment is designed, when you're coming
12 around, you can see the whole -- you can see the whole other
13 side of the apartments. If you're coming around from Barton
14 end down -- from Barton Road now like you coming from
15 Fairfax, you can see the whole other side of Pinewood. It's
16 no trees blocking the viewing or nothing.

17 Q Why did you go to Latoya Patterson's apartment?

18 A Those are my cou -- that's my cousin. My cousin
19 have a -- she's not my cousin. My cousin have a baby by
20 her, which is Brandon Hemming.

21 Q And you knew that that's where the shooting
22 occurred?

23 A No, I knew it was on the other side. I seen the
24 guys running from the apartment, and that's what made me
25 went to her apartment.

CROSS EXAMINATION OF TIMOTHY MYERS BY MR. EVANS

1 Q And you saw a man on the ground?

2 A Uh-huh. (Indicating affirmatively.)

3 Q So that is where the shooting occurred?

4 A Exactly.

5 Q So, you ran to---

6 A No, I---

7 Q ---where the shooting occurred?

8 A I ain't see nobody on the ground until I seen the
9 young guy -- till I went to the doorway. If you come
10 back -- as soon as you go in the doorway, you couldn't miss
11 it. He was lying right there.

12 Q You saw people running out of that apartment?

13 A Uh-huh. (Indicating affirmatively.)

14 Q You saw the Patterson girls running out of that
15 apartment?

16 A Uh-huh. (Indicating affirmatively.)

17 Q You ran toward the place they were running from;
18 is that correct?

19 A Uh-huh. (Indicating affirmatively.)

20 Q So, you ran towards the danger?

21 A Exactly.

22 Q And the guy was sitting?

23 A Uh-huh. (Indicating affirmatively.)

24 Q The young man who had been shot, you said he was
25 sitting?

CROSS EXAMINATION OF TIMOTHY MYERS BY MR. EVANS

1 A No, sir, he was laying there like he was suffering
2 for his life, sir.

3 Q So, he was laying.

4 A No.

5 Q Not sitting.

6 A No.

7 Q So, when you testified he was sitting a moment ago
8 that was---

9 A Huh?

10 Q You testified he was sitting a moment ago.

11 A No, I ain't say he was sitting.

12 Q You said he was sitting there.

13 A No.

14 Q No?

15 A I for certain---

16 Q That's---

17 A I was for certain the little guy was laying there
18 suffering for his life, sir.

19 Q You'd like to clarify your previous statement?

20 A Huh?

21 Q You'd like to clarify your previous testimony?

22 A I'm just -- I'm clarifying it now.

23 Q Okay. And you saw two guns?

24 A Yes, sir.

25 Q One was a revolver?

CROSS EXAMINATION OF TIMOTHY MYERS BY MR. EVANS

1 A Yes, sir.

2 Q And the other was a Smith & Wesson?

3 A Yes, sir.

4 Q And you told Mr. Plexico you could tell that
5 because of a symbol?

6 A Uh-huh. (Indicating affirmatively.)

7 Q So you got close enough to see a symbol on a gun?

8 A Yes, sir.

9 Q Did you examine the rest of his body?

10 A No, I didn't examine the gun. Sir, the gun laying
11 right, right -- about right here, and you standing up right
12 here, you mean to tell me you can't tell what's on that gun?
13 You got 20/20 vision?

14 Q No, I don't. Do you?

15 A Almost close.

16 Q No corrective lenses?

17 A Almost close.

18 Q This was at night?

19 A The same night.

20 Q Did you go in the apartment or were you sitting---

21 A Right---

22 Q ---outside?

23 A Right to, to the doorway, sir. That as far as I
24 went in there, to the doorway.

25 Q And you stared and studied the two guns?

CROSS EXAMINATION OF TIMOTHY MYERS BY MR. EVANS

1 A I was, I was staring at the young man. The --
2 he -- it's, it's clear in my vision. I'm staring at the
3 young man. The gun -- the revolver right here on his
4 left -- by his left foot, and the dog gone -- the Smith &
5 Wesson was on his body. Right hip, sir.

6 Q You said you saw this man running out?

7 A Sir, he had a bloody face.

8 Q He had a bloody face. And you said you remember
9 seeing Officer Ford there?

10 A Yes, sir, he was the first officer arrived. Once
11 I stood outside my brother house right there where my car
12 was parked at, me and my mom, until he -- he and my mom,
13 Latoya, and Laquia until Officer Ford arrived, sir.

14 Q What did you tell Officer Ford?

15 A I didn't tell Ford nothing. I'm a convicted
16 felon, sir. I was just -- I'm a convicted felon. I'll go
17 ahead and put that out there, and I ain't want to be around
18 the situation but so long. And the only reason that lead me
19 to that apartment was my little cousins might of would of
20 been in danger or something. That's the only reason why I
21 keep -- I went over there.

22 Q This---

23 A The only reason.

24 Q This little cousin?

25 A No, he older---

CROSS EXAMINATION OF TIMOTHY MYERS BY MR. EVANS

1 Q No?

2 A He older than me.

3 Q Okay. Who was in danger at that point?

4 A I know the little babies was in there probably or
5 something. That's my only concern.

6 Q Well, you're concerned with your baby cousin,
7 aren't you?

8 A I didn't know he was in there.

9 Q But you know that we've been waiting to try this
10 case?

11 A What that supposed to mean?

12 Q When did this happen?

13 A 2018.

14 Q What year is it?

15 A 2000 -- 2020.

16 Q Have you ever spoken to a law enforcement officer
17 about this case?

18 A Yes. One.

19 Q Who?

20 A His name is Sower.

21 Q Sower?

22 A Yep.

23 Q What agency is he with?

24 A Fairfax.

25 Q Fairfax. Do you have a first name?

CROSS EXAMINATION OF TIMOTHY MYERS BY MR. EVANS

1 A Well, I asked my, I asked my auntie. His name is
2 James Williams to be honest.

3 Q Okay. When was that?

4 A What do you mean?

5 Q When did you speak to him?

6 A This was a little while after the situation
7 happened. One weekend we was, we was riding, and he was
8 talking to me about, about the situation, and he was like
9 Erv -- he was like Ervin, what happened out there in
10 Pinewood. I said I didn't know. I'm telling him the same
11 thing I told you -- I'm telling you right now.

12 Q You told him that there was a Smith & Wesson?

13 A The same exact, exact thing I'm telling you now,
14 sir.

15 Q And you saw Officer Ford?

16 A Yes, sir, that night of.

17 Q Saw that --

18 A Yeah.

19 Q You saw he was there?

20 A Uh-huh. (Indicating affirmatively.)

21 Q Did you watch what he did?

22 A No, I didn't watch too much of what he did cause I
23 was standing off from him.

24 Q You didn't feel like talking to him, and you
25 haven't talked to him since?

CROSS EXAMINATION OF TIMOTHY MYERS BY MR. EVANS

1 A No, sir.

2 MR. EVANS: Those are all the questions that I
3 have.

4 THE COURT: Mr. Plexico.

5 REDIRECT EXAMINATION

6 BY MR. PLEXICO:

7 Q And why are you here today?

8 A Just to tell my truth.

9 MR. PLEXICO: No further questions.

10 THE COURT: Anything further, Mr. Evans?

11 MR. EVANS: Nothing, Your Honor.

12 THE COURT: All right. You may step down, sir.

13 Can I see the attorneys please?

14 (Off-the-record discussion held.)

15 THE COURT: Ladies and gentlemen, it's about 4:15
16 right now. It's my understanding that we may have one
17 more witness, and then what we have left to do is hear
18 the lawyer's closing arguments, and I have to charge
19 you on the law that's applicable to this case. Because
20 of the hour, we're gonna go ahead and break for the
21 evening. And I'm gonna ask you to return tomorrow at
22 10:00 a.m., and we are gonna conclude this case
23 tomorrow.

24 All right. I need to remind you again, ladies and
25 gentlemen, that you are not to discuss this case with

REDIRECT EXAMINATION OF TIMOTHY MYERS BY MR. PLEXICO

1 anyone. You're not to do any independent research.
2 You're not to read, watch, or listen to anything about
3 this case. Get a good night's sleep, ladies and
4 gentlemen. I look forward to seeing you-all back at
5 10:00 a.m. tomorrow morning where we will finish the
6 trial.

7 All right. Thank you. You're excused.

8 (The jury exits the courtroom at 4:15 p.m.)

9 THE COURT: All right. Before we come back in the
10 morning, obviously you have left to have Mr. Williams
11 testify. We have been working on the jury charge cause
12 the requests are coming from both sides.

13 Okay. So we're gonna finish it up tonight, and
14 I'm gonna have it emailed to you, okay, so you know
15 exactly what it is I'm gonna charge. And I've seen
16 what some of your requests are. We can talk about it
17 later. I don't think necessarily they are all
18 appropriate, but I will tell you that the way I put it
19 in here it encompasses most of those, Mr. Plexico. It
20 just may not specifically be what you asked for. Okay?

21 MR. PLEXICO: Yes, ma'am.

22 THE COURT: So, take a look at it, everybody, and
23 I will see you-all here at 9:30 tomorrow. Okay?

24 MR. EVANS: Yes, ma'am.

25 THE COURT: All right. Thank you.

REDIRECT EXAMINATION OF TIMOTHY MYERS BY MR. PLEXICO

1 (Trial adjourned for the day. Proceedings to
2 continue on January 9, 2020.)

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REDIRECT EXAMINATION OF TIMOTHY MYERS BY MR. PLEXICO

1 THE COURT: Anything. We need to put on the
2 record before we bring the jury in this morning, from
3 the State?

4 MR. EVANS: Not from the State.

5 THE COURT: From the Defense?

6 MR. PLEXICO: I renew my motion to suppress on
7 the -- his record, Your Honor, bringing up his prior
8 conviction for common law robbery. Because I think
9 that it all goes to character and would be unduly
10 prejudicial.

11 THE COURT: Thank you. All right let's bring the
12 jury in.

13 (The jury enters the courtroom.)

14 THE COURT: Good morning. All right Mr. Plexico.

15 MR. PLEXICO: Your Honor, the Defense calls
16 JamelWilliams.

17 THE COURT: Come on forward and be sworn, sir.

18 Thereupon,

19 JAMEL WILLIAMS

20 was called as a witness, having been first duly sworn,
21 was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. PLEXICO:

24 Q Jamel, where did you live on March 21st, 2018?

25 A Pinewood Apartments.

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 Q What apartment?

2 A [REDACTED]

3 Q Who did you live there with?

4 A Laquia and Latoya Patterson, and the babies.

5 Q Okay. So, you lived with the women and the
6 children?

7 A Yes, sir.

8 Q All right. Did you get any mail there?

9 A Yes, sir.

10 Q What mail did you get there?

11 A I received checks to me from a government agency
12 for taking care of the kids.

13 Q Was that the ABC voucher?

14 A Yes, sir.

15 Q And you got the check there at that location?

16 A Yes, sir.

17 Q And where did you sleep in the residence?

18 A In the middle room.

19 Q Okay. And did the kids sleep in there with you
20 sometimes?

21 A Sometimes they do.

22 Q Do y'all have a bed in there?

23 A No, sir.

24 Q What did you use for a bed?

25 A Sometime make a pallet for me and the kids.

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 Q Or you sleep on the couch?

2 A No, I don't sleep on the couch.

3 Q Okay, All right. Now, what is your duties with
4 the children? Why do you get that voucher?

5 A My duty is to take care of the children, make sure
6 they are safe, wake them up, get them ready for school, put
7 them on the bus and make sure that they get off the bus
8 safely.

9 Q Okay. And is there anything else that you do
10 after they get home from school?

11 A Sometimes I cook for them. The mothers can't
12 cook, so sometimes I will cook for them.

13 Q So if they are not there, they are at work?

14 A Yes, sir.

15 Q Okay. And do you help them with homework?

16 A Sometimes I do.

17 Q Okay. So, you are like a surrogate parent?

18 A Yes, sir.

19 Q I heard on the tape yesterday that you said that
20 you couldn't have children. Why do you think that you can't
21 have children?

22 A I mean, because I have done tried numerous times
23 having unprotected sex with different females and I still
24 come up short.

25 Q All right. Trying to have a baby?

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 A Yes, sir.

2 Q You didn't care if it was a boy or a girl?

3 A No, sir.

4 Q Just wanted to be a parent?

5 A Yes, sir.

6 Q How old are you now?

7 A I'm 30 now.

8 Q Okay. Would it be fair to say that you were less
9 than honest and forthcoming when you were interviewed by
10 Agent McCallister and her partner at the start of this?

11 A Yes, sir.

12 Q Why didn't you tell them the truth to start with?

13 A Because, at the time, I was still like kind of
14 emotional, under a lot of stress at the time.

15 Q Were you dealing with what happened, is that what
16 you are saying?

17 A Yes, sir.

18 Q Did you have a hard time coming to terms with what
19 happened in the apartment?

20 A Yes, sir.

21 Q How do you feel about what happened, emotionally?

22 A Emotionally, I feel very bad at the same time
23 because someone lost their life.

24 Q Did you see any other way to -- for that to end?

25 Did you cause any -- I will withdraw that question. Did you

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 cause any of that?

2 A No, sir.

3 Q Okay. Did Bernard Elmore even live with you?

4 A No, sir.

5 Q Okay. This came to your doorstep?

6 A Yes, sir.

7 Q And this came inside your home?

8 A Yes, sir.

9 Q Did you ever invite Raheme Granger in your home?

10 A No, sir.

11 Q Who did Raheme Granger show up with to your
12 doorstep?

13 A Raheme came with the young man named Tyrek, and I
14 will apologize for the family loss, and Devontre Priester.

15 Q All right. What were they -- what was the
16 problem? Why were they at your house?

17 A To my knowledge, it was behind a tablet. I never
18 did saw. No one ever said what color the tablet was. I
19 still haven't seen a tablet.

20 Q Okay. Did you know anything about the tablet?

21 A No, sir.

22 Q Did anybody in the house that you knew of know
23 anything about the tablet?

24 A No, sir.

25 Q Did they have any reason to have their business at

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 your house?

2 A No, sir.

3 Q Okay, all right. When -- was Bernard on your
4 steps?

5 A Yes, sir.

6 Q Okay. Was -- what kind of state, emotional state,
7 was Bernard in?

8 A Bernard was, at the time, he said that he ain't
9 had it.

10 Q He denied taking it?

11 A Yes, sir, he denied taking it.

12 Q Okay. All right. Now, what were these boys
13 doing? What were they saying to Bernard?

14 A Mr. Granger was the first one to initiate the
15 drama. He pulled out a gun and put it to Bernard's head
16 demanding the tablet and saying he was going to kill him and
17 everyone in the house if the tablet never come up.

18 Q Where was Bernard standing, on your door stoop?

19 A Yes, sir.

20 Q Was that your exclusive door stoop?

21 A Yes, sir.

22 Q Can I go hang out and smoke cigarettes and drink
23 beer on your door stoop?

24 A No, not if you are not invited.

25 Q What did you tell them to do?

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 A I told them to leave, take the drama away from the
2 kids and my home.

3 Q And your home, is that what you said?

4 A Yes, sir.

5 Q And what happened?

6 A They refused.

7 Q All right. What was Bernard's emotional state?

8 A Bernard was crying while he -- full of tears,
9 saying that he didn't stole the tablet.

10 Q He was scared for his life?

11 A Yes, sir.

12 Q Now, did Granger get any money, this man here?

13 A Yes, sir.

14 Q How did he get that money?

15 A Because Granger took the money out of Bernard's
16 hand.

17 Q What did you just witness?

18 A An armed robbery.

19 Q How do you know what a robbery is?

20 A Becuase I done had an armed robbery in 2011. I
21 pled guilty to an armed robbery and I did my time.

22 Q You plead guilty to a common law robbery or an
23 armed robbery?

24 A Common law, common law, strong armed robbery.

25 Q Okay. So you know what a robbery is?

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 A Yes, sir.

2 Q And what happened -- you plead guilty to it, what
3 happened to you?

4 A I went to prison.

5 Q What happened? I am sorry.

6 A I went to prison a little boy, but I came out a
7 man.

8 Q Okay. What happens to people that commit armed
9 robberies?

10 A To my knowledge, they get convicted and do time
11 for it.

12 Q Okay. You plead guilty to yours?

13 A Yes, sir.

14 Q All right. So, that is what you witnessed
15 Mr. Granger do?

16 A Yes, sir.

17 Q On your doorstep?

18 A Yes, sir.

19 Q Okay. And that is how he got that money?

20 A Yes, sir.

21 Q All right. What did Devontre -- is Devontre
22 Priester Man Man?

23 A Yes, sir.

24 Q Where did he go after he got -- well, after
25 Granger got the money?

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 A After Granger got the money, Devontre Priester
2 left. I don't know where he went at. He was nowhere in
3 sight.

4 Q Okay. What happened next? Where did the drama
5 move to?

6 A Next the drama moved inside the house, inside the
7 living room.

8 Q Did -- what was the reaction of the women?

9 A The women was very scared. Like all of them took
10 off running.

11 Q No, no, before anything happened, did they tell
12 them to do anything?

13 A Yeah, the woman told, at the beginning and the
14 end, told them to leave but they still refused to leave.

15 Q Both of the women?

16 A Yes, sir.

17 Q Did the third woman, the third sister, tell them
18 to leave?

19 A Well, really all three of the three women and gay
20 dude told them to leave.

21 Q What were you telling them to do?

22 A To leave.

23 Q Okay. What were you concerned about?

24 A I was more concerned about the babies and their
25 safety.

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 Q Okay, all right. Did you invite a man with a gun
2 in your house?

3 A No, sir.

4 Q Did Ronisha invite a man with a gun into her
5 house?

6 A No, sir.

7 Q Did Latoya invite a man with a gun into her house?

8 A No, sir.

9 Q Would Bernard leave the house?

10 A No, he wasn't leaving.

11 Q Why not?

12 A He was too afraid to leave. I wouldn't leave
13 either with a man outside armed and wanted to attack me, I
14 wouldn't leave either.

15 Q Okay. Did you give refuge, in a sense, to
16 Bernard?

17 A No, sir. All I told Bernard, Stay in the house
18 until everyone leave.

19 Q Don't you think that's giving them refuge and
20 safety?

21 A Yeah.

22 Q Is Bernard your upstairs neighbor?

23 A No, the apartment Bernard stay, like two apartment
24 doors down.

25 Q Is Bernard your neighbor, to be fair?

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 A Yes, sir.

2 Q Okay, all right. In America do we defend our
3 friends, families and neighbors?

4 A Yes, sir.

5 Q All right. Was that an unwarranted intrusion into
6 your home?

7 A Who?

8 Q Unwarranted. Was any reason to have that
9 intrusion in your home?

10 A No, sir.

11 Q Okay, all right. What did -- all right. Did
12 Granger come inside, this man, did he come inside your
13 house?

14 A At the beginning, he did. But once everything
15 took place, he was never inside. He attempted to come
16 inside.

17 Q Who?

18 A He attempted to come inside after everything, the
19 shots were fired.

20 Q Okay, all right. Well, did he leave before the
21 shots were fired? Did he step outside before the shots were
22 fired?

23 A Yes, sir.

24 Q All right. And you are sure that he robbed that
25 man on your front door stoop?

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 A Yes, sir, I'm positive.

2 Q All right, now. Were they satisfied?

3 A No, sir.

4 Q Okay. Who, who came in that -- who else came in
5 that wasn't invited?

6 A Tyrek Mitchell.

7 Q All right. How did he get in?

8 A Tyrek Mitchell bumrushed his way into the house.

9 Q Bumrushed, is that what you said,
10 B-U-M-R-U-S-H-E-D?

11 A Yes, sir.

12 Q Did he bumrush -- were you standing at the door?

13 A I was walking into the house and he bumrushed
14 behind me and slammed the door.

15 Q OKay. What was his state?

16 A His state of mind was very hype, very aggressive.

17 Q Did they want more money for the tablet?

18 A Yes, sir.

19 Q Okay. Did Bernard have any more money?

20 A No, sir.

21 Q What was Tyrek saying?

22 A Tyrek was making threats about the tablet and
23 about everybody else while flashing his weapon on his waist.

24 Q All right. But he never pulled it out?

25 A No, sir, he never pulled it out.

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 Q But you knew that you had an armed man again in
2 your house?

3 A Yes, sir.

4 Q Not on your stoop this time, but actually inside?

5 A Yes, sir.

6 Q How did you feel about that?

7 A Very scared, the kids, the babies were right
8 there.

9 Q All right. What are the walls made out of,
10 sheetrock, this sheetrock?

11 A I believe so.

12 Q They are not concrete, right?

13 A No, sir.

14 Q All right. Could a bullet go anywhere in that
15 house?

16 A Yes, sir.

17 Q With Tyrek, what was Tyrek saying?

18 A Tyrek went to little June, who was sitting on the
19 couch, and stated the word, Brother, whose side are you on
20 because I'm about to air this B out.

21 Q Air this bitch out; is that what he said?

22 A Sir?

23 Q Did he say, I'm about to air this bitch out?

24 A Yes, sir.

25 Q All right. What did that indicate to you? What

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 did that mean, to air out this bitch? What is that slang
2 for?

3 A That slang for really about to let out shots.

4 Q And who is going to get shot in your house?

5 A Everyone who was in the house.

6 Q How did you know that it was going to be everyone?

7 A Sir?

8 Q How did you know that it was going to be everyone?

9 A Because, a shot, I don't know nobody and he made a
10 statement.

11 Q What did you tell Tyrek to do?

12 A I told Tyrek to leave, while pulling out the gun.
13 But I never present the gun like pointing the gun at him.

14 Q You pulled your gun out and you told him to leave?

15 A Yes, sir.

16 Q Did he see your gun?

17 A Yes, sir, because it was right at my waist in my
18 hand.

19 Q All right. And were you blocking his access to
20 the door?

21 A No, sir.

22 Q Could he have just walked out of the house?

23 A Yes, sir, he could leave any time. I wasn't
24 blocking the door.

25 Q All right. Now, how many times at least, just

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 take your time and count up, did different people who lived
2 there tell them to get out of that house?

3 A I mean, I couldn't -- I can't really give you a
4 direct answer, of how many times we told him to leave. We
5 told him to leave numerous times.

6 Q A bunch?

7 A Yes, sir.

8 Q Were they leaving?

9 A No, sir.

10 Q All right. Now, were you concerned for your own
11 safety?

12 A Yes, sir.

13 Q Were you concerned for the safety of the women in
14 the house?

15 A Yes, sir.

16 Q Were you concerned for the safety of the children
17 in the house?

18 A Yes, sir.

19 Q Okay. Did you pull the gun to protect those
20 people I just named?

21 A Yes, sir.

22 Q Okay. Now, did you fear that you were in danger?

23 A Yes, sir.

24 Q Was the danger immediate?

25 A Yes, sir.

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 Q Was there immediate danger with him with that gun
2 right there with that attitude?

3 A Oh, yes, sir.

4 Q Okay, all right. Did you know what was going to
5 happen next?

6 A I mean, from what he stated, apparently so.

7 Q Okay. Now, what was his reaction -- did you order
8 him to leave again when you had the gun in your hand?

9 A Yes, sir.

10 Q What was his reaction?

11 A His reaction, he charged at me trying to tussle
12 with me over the gun.

13 Q Did he get his hand on the gun?

14 A Yes, sir.

15 Q So, you are the homeowner ordering him to leave at
16 gun point and he attacked you?

17 A Yes, sir.

18 Q What happened next?

19 A The lights went off and shots were fired, one shot
20 went off.

21 Q Did you turn the lights off?

22 A No, sir, I was never by the light. The light
23 consists of the back of the lamp and without the lamp the
24 room would be kind of dim.

25 Q Okay. So, it was dim because you had light coming

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 in from the kitchen and the hallway and stuff?

2 A Yes, sir.

3 Q Did that heighten your sense of insecurity and
4 fear when the light went out?

5 A Yes, sir.

6 Q All right. Is this about the time he attacked
7 you?

8 A Like, what are you asking me? I don't understand
9 what you are asking me.

10 Q When the light went out, what was the timing on
11 the light going out and him attacking you?

12 A As soon as he attacked me the lights went out.
13 Everything happened just that fast.

14 Q Okay. Did he get his hand on the gun?

15 A Yes, sir.

16 Q Okay. Did y'all struggle over the gun?

17 A Yes, sir.

18 Q All right. What happened next?

19 A Then a shot was let off. Truce said, I let off
20 the first shot. But I know that both of our hand was on the
21 gun when the first shot went off. I don't know where it hit
22 him at or anything.

23 Q Okay. Then, what happened? Y'all struggling over
24 the gun, bam, what happens?

25 A I then pushed him away, realizing that I wasn't

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 the one who was shot.

2 Q So he went back and then what, you raised your gun
3 and --

4 A I raised my gun and I shot the second time. And
5 then when he was on the floor I shot the gun the third time
6 out of fear.

7 Q All right. Did you shoot him three times total?

8 A Yes, sir.

9 Q Were they in rather rapid succession? There was
10 shot and then brief, or was there a shot and then brief
11 there and then three more shots?

12 A No, sir.

13 Q Okay.

14 A There is a shot and two shots within the house
15 with dealing with just him.

16 Q All right. That you remember?

17 A That I remember.

18 Q All right. Jamel, what did Granger, after the
19 shots, did anybody attempt, who was not invited and not
20 welcome, attempt to enter your home?

21 A Yes, sir.

22 Q Okay. Who attempted to enter your home?

23 A Mr. Granger.

24 Q Okay. How far did he get inside or on the door
25 stoop or whatever?

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 A Mr. Granger came right there at the door entrance
2 and as soon as the door flied open he was right there. I
3 shot him in his face. He dropped his weapon and he ran. I
4 didn't chase him or anything.

5 Q Okay. So, this was the man who had just robbed
6 somebody on your steps coming back in?

7 A Yes, sir.

8 Q And you feared that he was going to finish you or
9 the job off?

10 A Yes, sir.

11 Q Okay. Did it appear that Granger sent a boy in to
12 do a man's job?

13 MR. EVANS: Objection, argumentative.

14 THE COURT: Argumentative is your objection?

15 MR. EVANS: Yes, ma'am.

16 MR. PLEXICO: I'll withdraw the question.

17 THE COURT: Thank you.

18 BY MR. PLEXICO:

19 Q Was there any other way to protect your home other
20 than that?

21 A No, sir.

22 Q Did you want Tyrek Mitchell who is already armed
23 to get control of your gun?

24 A No, sir.

25 Q Could you allow that to happen?

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 A I mean, no, sir, that is why I fought so hard.

2 Q All right. So, how did you -- where did -- how
3 did you feel after all of this?

4 A I mean --

5 Q Describe the scene on a scale of one to ten on how
6 bad it was, just -- or however you want to do it.

7 A Be honest with you, at that time, man, I was still
8 afraid.

9 Q Okay. There was -- you told Katie that you had
10 taken some drugs, what drugs had you taken?

11 A I had took some Ecstasy.

12 Q Why do you take Ecstasy?

13 A I take Ecstasy to relieve stress, emotional
14 depression, to keep me calm, to relieve the pain basically.

15 Q Do you bother anybody when you do that?

16 A No, sir.

17 Q Okay. Were you trying to diffuse the situation?

18 A Yes, sir.

19 Q What did you tell Bernard to do, if he had the
20 tablet?

21 A To give it back.

22 Q Okay. What did Bernard say?

23 A He said that he didn't have the tablet.

24 Q Did Granger and Tyrek and Devontre, Man Man, take
25 the problem out somewhere else?

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 A No, sir.

2 Q Okay. Does anybody have a right to come bring
3 weapons in your home and put you and your family in fear of
4 their lives?

5 A No, sir.

6 Q Are Latoya and those children and her sister
7 related to you?

8 A Yes, sir.

9 Q And y'all are true cousins?

10 A Yes, sir, to my knowledge.

11 Q Okay. So, you love those kids?

12 A Yes, sir.

13 Q What wouldn't you do for those children?

14 A I mean, not just them kids, I wouldn't do nothing
15 for anybody's kids.

16 Q You love the kids?

17 A Yes, sir.

18 Q Who were you protecting?

19 A The kids, myself, and them ladies in their home.

20 Q Did you, did you fear there was -- that there was
21 violence certain to happen?

22 A Yes, sir.

23 Q Was Tyrek leaving without the tablet?

24 A Neither one, I don't think that either one of them
25 gentlemen would have left without the tablet.

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 Q Was it even there?

2 A I mean, I don't even know what tablet it is, I
3 don't even know what color it is.

4 Q If they didn't get the tablet, what was going to
5 happen?

6 A Shoot, they say everyone was going to die.

7 Q He actually said it?

8 A Yes, sir.

9 Q Have you ever been confronted with a situation
10 like that before in your own home?

11 A No, sir.

12 Q Tyrek actually attacked you before he was shot?

13 A Yes, sir.

14 Q Refusing to leave?

15 A Yes, sir.

16 Q Threatening violence?

17 A Yes, sir.

18 Q And death?

19 A Yes, sir.

20 Q Tyrek was threatening death?

21 A Yes, sir.

22 MR. PLEXICO: Answer any questions the solicitor
23 may have.

24 WITNESS: Yes, sir.

25 BY MR. PLEXICO:

DIRECT EXAMINATION OF JAMEL WILLIAMS BY MR. PLEXICO

1 Q Oh. Can I have another question? That gun that
2 is in evidence, isn't that the gun that you used to defend
3 your home?

4 A To my knowledge, yes, sir.

5 Q Okay. You have seen the gun, we showed it to you
6 earlier?

7 A Yes, sir.

8 Q Do you know what happened to the other guns?

9 A No, sir.

10 Q But you are certain Tyrek had a gun?

11 A Yes, sir.

12 Q And that Mr. Granger had a gun?

13 A I'm positive.

14 MR. PLEXICO: I'm sorry, Your Honor. That is it.

15 THE COURT: Mr. Evans.

16 MR. EVANS: Thank you.

17 CROSS EXAMINATION

18 BY MR. EVANS:

19 Q You have lived at [REDACTED]?

20 A Yes, sir.

21 Q You didn't tell that to Special Agent McCallister?

22 A I told her that I didn't know what the apartment
23 number was truly, indeed, I didn't know what the apartment
24 number was.

25 Q You said that you don't look at numbers?

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 A I don't.

2 Q You said today that you received mail there?

3 A I do.

4 Q But your cousin Latoya testified --

5 MR. PLEXICO: Your Honor, pitting witnesses, that
6 is clearly a problem, Your Honor, I object.

7 THE COURT: Sustained.

8 BY MR. EVANS:

9 Q You said that you wanted to make sure that those
10 children were safe, is that right?

11 A I mean, that is my job.

12 Q Does that include firing shots into the house in
13 the dark?

14 A I mean, at the same time, I have no control over
15 if the lights went off. I didn't turn them out.

16 Q The lights went off and you didn't know where
17 anybody was?

18 A But, at the same time, I knew where Tyrek Mitchell
19 was because me and had him was tussling with the gun.

20 Q But you didn't know where the children were?

21 A No, sir.

22 Q So, those shots could have gone through the walls
23 that Mr. Plexico asked you about, they could have gone
24 through and hit one of them?

25 A I mean, at the same time, this man was armed, his

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 gun could have hit anybody.

2 Q You mean, when I'm saying at the same time, I'm
3 correct, right?

4 A I mean, yes, sir.

5 Q Mr. Williams, you are here under oath?

6 A Yes, sir.

7 Q Right? And you had other chances to tell your
8 story?

9 A Yes, sir.

10 Q You had two chances when this happened, correct?

11 A Yes, sir.

12 Q Opportunities you asked for?

13 A Yes, sir.

14 Q And you lied?

15 A I never did lie. I mean, I was under fear for my
16 family have being threatened.

17 Q You didn't lie?

18 A I mean, I didn't admit to it right then. I was
19 under fear that my family being threatened. My family home
20 and all done been shot up about this incident.

21 Q You asked -- as soon as you sat down in that first
22 interview you asked, what happened?

23 A Because, when I first arrived to the police
24 department kind of a white agent, I don't know his name, he
25 was standing at a blue car and I went to him and told him.

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 But he tell me he didn't know what was going on. So, at
2 that moment, I felt like --

3 Q What did you tell him?

4 A I told him that I was involved in the shooting.

5 Q You confessed to a white agent standing outside of
6 the Allendale Police Department?

7 A Yes, sir.

8 Q And then you went in and said the exact opposite?

9 A I mean, at the same time, when I confessed to him,
10 I mean, like -- it was like he didn't know what happened.
11 So, at that time I felt like, okay, I'm turning myself in.
12 Y'all are leaving my family out here unsafe.

13 Q This is not either of the agents that you spoke to
14 inside the Allendale Police Department?

15 A Yes, sir.

16 Q Somebody else?

17 A I mean, the agent was right there in the
18 interview.

19 Q Did you mention to them that you had just seen
20 somebody outside and talked to them?

21 A No, sir, because they should already know that.
22 Because when she arrived, the agent introduced me to her.

23 Q And you are asking this jury to believe that that
24 agent wouldn't then tell Katie McCallister that you just
25 confessed to him outside?

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 A I mean, at the same time, I'm not asking the jury
2 to believe nothing.

3 Q But you did go in and you lied. You denied being
4 involved. You said that you were outside when the shots
5 went off, isn't that right?

6 A I mean, I can't truly answer that question,
7 because, just like everyone heard the tape for the first
8 time, that was my first time hearing the tape after two and
9 a half -- after two years, sir.

10 Q So you weren't paying attention yesterday?

11 A I mean, I could barely hear it.

12 Q You haven't had the chance to look over it with
13 your attorney?

14 A I mean, the only thing that I had a chance to look
15 over. I refused to look at the video. I knew what I said
16 and I admitted to the shooting, those kids. And I'm willing
17 to admit it in front of the jury and judge again that I did
18 it.

19 Q But not in the first interview?

20 A The first interview?

21 Q You said that you were outside, yes?

22 A I mean, I don't recall saying that, so I can't
23 answer that question. If I lied -- if I did say that, if I
24 lied, I apologize for that. Because I was afraid, but I
25 admitted to and I'm admitting to shooting him.

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 Q You admitted to it just before you came in and
2 then you told a completely different story?

3 MR. PLEXICO: That is asked and answered, Your
4 Honor.

5 THE COURT: He can answer.

6 A If that's how you want to put it. I mean, I'm
7 admitting to it, that I shot them gentlemen, yes, I did.

8 Q You admitted it in the second interview, which was
9 two days later; is that right?

10 A I mean. Yes, sir. I mean --

11 Q But not exactly two days later?

12 A I mean, stop me if I'm wrong, at any time I have
13 the right to exercise my fifth amendment.

14 Q Did you?

15 A I mean, if I didn't speak to them or told them
16 right then, I'm exercising my fifth amendment. But I'm
17 going to stand under oath telling the truth.

18 Q Mr. Williams, do you remember the questions that
19 they asked you at the beginning of both interviews?

20 A To be honest with you, sir, I don't remember too
21 many of nothing.

22 Q You listened to them yesterday. They asked you
23 about your fifth amendment rights?

24 A I mean, we was talking about the agent, not the
25 judge.

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 Q And you understand that you are waiving your fifth
2 amendment rights today?

3 MR. PLEXICO: Your Honor, he's not a lawyer and
4 has no reason that he's ever read the fifth amendment,
5 like everyone else. I object to that.

6 THE COURT: Overruled. You can ask it.

7 BY MR. PLEXICO:

8 Q You understand that that is what you are doing
9 today, and that is what you did twice in 2018?

10 A Uh --

11 Q So, when you spoke to Katie McCallister two days
12 after the shooting, you asked her about searching the car,
13 do you remember that?

14 A Yes, sir.

15 Q So, that part you do remember?

16 A Yes, sir.

17 Q You asked her about the other gun?

18 A Yes, sir.

19 Q You said, Where is the gun that shot him, shot Ty?

20 A No, I said, where is the other guns that was on
21 that scene the gentlemens have.

22 Q No, you asked, Where is the gun that shot him,
23 didn't you?

24 A No, sir.

25 Q So you didn't pay attention during that part of

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 the interview either?

2 A I mean, from my knowledge and what I am saying and
3 what I read that was documented, I stated, at first, that
4 wasn't the gun that shot Tyrek Mitchell because I was in
5 fear. But that truly, that is the gun that shot Tyrek
6 Mitchell.

7 Q You are still in fear, but you elected to talk to
8 them, you asked to talk to them?

9 A I mean, I was asking to talk to them before they
10 even came. But they didn't have the number, so I mean.

11 Q But you did ask to talk to them?

12 A Yes, sir, I did.

13 Q If you asked, how could you still be in fear of
14 what you were going to say?

15 A Because, like I just told you, my family house was
16 shot up by the victim. My family still receiving threats
17 from the victim.

18 Q Were you in fear because you knew how bad the
19 truth was?

20 A I mean, if I was in fear of the truth, I wouldn't
21 be on this stand today telling y'all the truth.

22 Q Getting back to that interview, when you talked to
23 Katie McCallister, it took you more than -- I won't say more
24 than, but at least close to an hour to say that you engaged
25 in any kind of self-defense; is that fair?

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 A I mean, because at the time, when I started
2 talking to her, I mean, I -- I didn't feel like she would
3 have helped me. But then she made me realize, I don't know
4 if she was really telling the truth or being honest with me,
5 and then I admitted to it.

6 Q She is the one that brought up self-defense, isn't
7 it, isn't that right?

8 A I mean, at the time sir, to be honest with you, I
9 didn't know anything about self-defense and I really don't
10 care about self-defense. And to still to today, I -- the
11 only thing that I care about is protecting those kids. If I
12 am found guilty, I'm found guilty but I went down protecting
13 the kids.

14 Q Two days after you shot two men in their faces,
15 you didn't know anything about self-defense?

16 A No, sir.

17 Q So you didn't know it on the night?

18 A No, sir.

19 Q You didn't know that you had that right?

20 A No, sir.

21 Q So she brought it up and you thought, that sounds
22 like a good idea?

23 A I mean, at all the same time. As you can see from
24 the video and everybody else, when she brought it up, I was
25 crying.

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 Q I want a yes or no, pelase, Mr. Williams. I'm not
2 asking about your crying. Can you answer my question?

3 MR. PLEXICO: Can you repeat the question for him?

4 THE COURT: You may.

5 BY MR. EVANS:

6 Q Special Agent McCallister is the one who brought
7 up self-defense and you thought, that sounds like a good
8 idea; is that right?

9 A No, sir.

10 Q And when you were crying, like you just mentioned,
11 do you recall what you were saying?

12 A The only thing I recall, I was protecting those
13 kids. That was true.

14 Q You said when you were crying, My life is over?

15 A Yes, sir, because, at the end of the day, I knew
16 the consequence for taking someone's life. But at the same
17 time, to be truthful with you, it really didn't matter as
18 long as them kids got the chance to live their life.

19 Q You knew that you had taken someone's life?

20 A Yes, sir, to protect kids.

21 Q You took a kid's life?

22 A I mean, he was 18 or 19 at the time.

23 Q He was in high school.

24 A I mean, those kids was babies, not even in school.

25 Q You came out of prison a man?

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 A I mean, you have got to -- if you go back to
2 Mr. Loadholt testifying, you will see what Mr. Loadholt
3 said, that young man was just like him, didn't back down to
4 anything, run straight to the problem. And we all see that
5 Mr. Loadholt was very disrespectful, that young man very
6 disrespectful.

7 Q Mr. Loadholt also said that Ty begged you for his
8 life?

9 A He/Loadholt also said, Tyrek tripped over the
10 table. And he also said that Tyrek was pushed. And he also
11 said Tyrek don't back down, he run right straight to the
12 problem, he is not a punk.

13 Q So he tripped over --

14 MR. PLEXICO: Obejction, Your Honor, let him give
15 a full answer.

16 THE COURT: Go ahead.

17 THE WITNESS: Like I was saying, Mr. Loadholt
18 said, Tyrek didn't back down for anything, he goes
19 straight to the problem. So because he's not a punk,
20 A, B.

21 BY MR. EVANS:

22 Q So, what you want this jury to believe is that,
23 that Ty is standing in your home holding a gun, that is what
24 you testified to to Mr. Plexico, right?

25 A I mean, at the same time --

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 Q Yes or no, please, Mr. Williams?

2 A I mean, I have the right to answer your question.

3 I mean, you want me to answer yes or no. But the whole time

4 I didn't --

5 THE COURT: Sir, if you could answer the question

6 yes or no, and then you can explain after that. But

7 you have to answer the question first.

8 BY MR. EVANS:

9 Q You testified that Ty was holding a gun before you
10 pulled yours?

11 A I never testified to that, so, no.

12 Q But he had a gun?

13 A I didn't say --I said Ty had a gun on his waist.

14 Q He had a gun on his waist and you pulled a gun, is
15 that right?

16 A Yes, sir.

17 Q And then you are asking the jury to believe, that
18 instead of trying to use his own gun, in response to yours,
19 he rushed at you instead; is that correct?

20 A Do I have to answer yes or no? Can I make a
21 statement?

22 THE COURT: You need to say yes or no and then you
23 can explain your answer. But you have to answer yes or
24 no.

25 A I am -- can you repeat your question?

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 Q You are asking the jury to believe that Ty had a
2 gun, that you responded to his gun by pulling your gun, and
3 then his response was not to use his gun but to rush at you?

4 A You are finished?

5 Q Yes.

6 A No, sir, I'm not asking the jury to believe me.
7 Because, at the same time, it's clear to everyone, it should
8 be clear to you, if he were to present his gun while my gun
9 was out instead of rushing me, or did whatever he did, what
10 you think I would have did? He already was armed. I mean,
11 everybody know. I mean, coming, growing up in this type of
12 environment, why would you pull out a gun when a man already
13 armed.

14 Q Why would you pull out a gun with a man already
15 armed?

16 A Because his gun was on his waist and he made
17 threats to everyone in the house, including those kids.

18 Q Where was yours?

19 A At the time, my gun was in my hand inside my
20 pants.

21 Q Inside your pants?

22 A Yes, sir.

23 Q So isn't that harder to get at than a gun on your
24 waist?

25 A Not really because I had on basketball shorts.

CROSS EXAMINATION OF JAMEL WILLIAMS BY MR. EVANS

1 Q You had on basketball shorts. Do they
2 traditionally have pockets?

3 A Sir?

4 Q Do your basketball shorts have pockets?

5 A No, sir.

6 Q So, where was your gun?

7 A My gun was in my hand inside my pants.

8 Q In your hand inside your pants. That is how you
9 walk around all evening?

10 A No, sir.

11 Q How did you hold onto the gun then?

12 A With my hands.

13 Q So, you held onto it all night?

14 A No, sir.

15 Q So, you had this gun. When did you first carry
16 the gun, let me ask you that?

17 A Sir?

18 Q When did you first have the gun that night?

19 A I told Ms. McCallister out of fear that I received
20 the gun from a young man in the school, but truthfully be
21 told, I had the gun on me the whole time. But I just never
22 presented the gun while Mr. Granger had his gun out.

23 Q You had the gun the whole time. And Mr. Granger
24 pulled the gun and put it up to Smack's head, that is what
25 you testified to earlier?